

ent laws and the enactment of such new laws as may be necessary to prevent such alleged practices; to the Committee on Immigration and Naturalization.

By Mr. ROWAN: Petition of American citizens of Lithuanian origin, appealing to the United States and the Allies, those who granted independence to Poland, to issue an order to the Polish Government to withdraw immediately from Lithuania; to the Committee on Foreign Affairs.

Also, petition of H. O. Rosenthal, of New York, favoring the passage of House bill 8587; to the Committee on Military Affairs.

Also, petition of Branch No. 1, New York, National Association of United States Civil Service Employees at Navy Yards and Stations, asking an increase in salaries of not less than 40 per cent; to the Committee on Naval Affairs.

Also, petition of United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Detroit, Mich., protesting against the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dwight Braman, of New York, favoring universal military training as suggested by Gen. Wood; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: Petition of Abington monthly meeting of the Society of Friends, protesting against universal military training; to the Committee on Military Affairs.

By Mr. YATES: Petition of W. H. Sikes and others, urging the passage of House bill 2; to the Committee on Pensions.

Also, petition of Branch No. 1, New York National Association of United States Civil Service Employees at Navy Yards and Stations, Brooklyn, N. Y., by Mr. F. D. Armour, president, urging an increase in salaries; to the Committee on Naval Affairs.

Also, petition of American Unity Post, No. 22, American Legion, Chicago, urging the following legislation: To bring back the remains of such of our soldiers who died overseas whose relatives so desire at Government expense; the Morgan bill, or similar legislation; congressional action on the Mexican situation; congressional action toward the deportation of alien neutrals who surrendered their first papers to escape military service; to the Committee on Military Affairs.

Also, petition of Charles L. L'Hommiedien & Sons Co., Chicago, Ill., urging that a protective tariff be placed on imported pumice; to the Committee on Ways and Means.

Also, petition of B. Heller & Co., Chicago, Ill., favoring bill introduced by Senator CALDER, enabling manufacturers of food and drug products to adopt certain standards suitable for shipment to all localities, and thereby increasing the production, consequently lowering prices; to the Committee on Agriculture.

Also, petition of Seymour & Peck Co., Chicago; Hunt-Helm-Ferris & Co., Harvard; Joseph Turk Manufacturing Co., Bradley, Kankakee County; Jacob Press Sons, Chicago; Orbon Stove Co., Belleville; Joliet Forge Co., Joliet; Furst McNess Co., Freeport; Fargo Hollowell Shoe Co., Chicago; Decatur Bridge Co., Decatur; S. A. Maxwell & Co., Chicago; and Boynton & Co., Chicago, all in the State of Illinois, protesting against the closed shop; to the Committee on Labor.

## SENATE.

SATURDAY, October 11, 1919.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy divine guidance and blessing for the work of this day. We must draw from Thee the wisdom that will equip us for the great tasks that have come to our hand. We are willing to give the highest and the best we have. We pray that Thou wilt take the best we give and sanctify it to Thine own service. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### THE CASE OF EMMA GOLDMAN.

The VICE PRESIDENT. The Chair lays before the Senate the report of the Secretary of Labor in response to Senate resolution 206. It may be read.

The Secretary read as follows:

DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, October 9, 1919.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting Senate resolution 206, in relation to an Associated Press dispatch appearing in the Washington Post of October 4, 1919, on the subject of the alleged postponement of the Goldman case,

and to state, for the information of the Senate, that the proceeding under the immigration law against Emma Goldman has not been indefinitely postponed, but that it is now pending and hearing thereon has been fixed for the 16th instant, at the immigration station, Ellis Island, New York Harbor.

The department is unable to state how, or by whom, the information contained in the Associated Press telegram was furnished. In the regular order of business it was impracticable to have the hearing at an earlier date, and the instructions given by the department to the immigration officials at Ellis Island were that the hearing be "deferred to a date to be determined upon later." As above indicated, it has now been fixed for the 16th instant.

Respectfully,

W. B. WILSON, Secretary.

The PRESIDENT OF THE SENATE.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 90) to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

### PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of Charles Sumner Camp No. 37, Sons of Veterans, of Gardner, Mass., and a memorial of sundry citizens of Jersey City, N. J., remonstrating against the ratification of the proposed league of nations covenant, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Lawrence, Methuen, Andover, and North Andover, all in the State of Massachusetts, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Legislative League of New York City, N. Y., remonstrating against the ratification of the proposed league of nations treaty and praying for its separation from the treaty of peace with Germany, which was ordered to lie on the table.

Mr. POMERENE. I have before me a certain preamble and resolutions in the nature of a petition adopted by the World War Veterans, of Cleveland, Ohio, relating to the subject of an increased service bonus and requesting the appointment of a committee under proper legislation to administer this subject. I suggest that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. It will be so referred.

Mr. MYERS presented memorials of sundry citizens of Park County, Mont., remonstrating against the passage of Senate bill 2182, establishing game sanctuaries in national forests, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FLETCHER presented a resolution adopted by the Wholesale Grocers' Association, of Jacksonville, Fla., favoring action by Congress to put car lines upon a common carrier basis so that car shortage may be remedied, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Marion County Post No. 1, American Legion, of Ocala, Fla., praying for an investigation into the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces, which was referred to the Committee on Military Affairs.

Mr. SUTHERLAND presented a memorial of sundry citizens of Ohio County, W. Va., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a petition of Local Lodge No. 293, International Association of Machinists, of Parsons, Kans., praying for the adoption of the so-called "Plumb plan" for control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Clay County, Kans., praying for the immediate return of United States troops from Russia, which was referred to the Committee on Military Affairs.

MATTHEW M'DONALD.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1743) for the relief of Matthew McDonald, reported it with an amendment and submitted a report (No. 259) thereon.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3210) for the consolidation of lands within the Jefferson National Forest; to the Committee on Public Lands.

By Mr. RANDELL:

A bill (S. 3211) for the relief of the heirs of Isabella Ann Fluker; to the Committee on Claims.

By Mr. NEW:

A bill (S. 3212) granting an increase of pension to Austella Stephenson (with accompanying papers); and

A bill (S. 3213) granting an increase of pension to Joseph T. Kling (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3214) granting a pension to Virginia Dodd; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3215) granting an increase of pension to Harley Mowrey (with accompanying papers); to the Committee on Pensions.

A bill (S. 3216) for the relief of occupants and claimants of unsurveyed public land in township 8 north of range 2 west of Salt Lake meridian, Utah; to the Committee on Public Lands.

## CONSTRUCTION OF GOVERNMENT BUILDINGS.

Mr. FERNALD. I submit the resolution which I send to the desk, and I believe it to be of sufficient importance to have immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Maine will be read.

The Secretary read the resolution (S. Res. 210), as follows:

*Resolved*, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, be directed to inquire into the costs, construction, operation, maintenance, and future disposition of the public buildings of the Government of every nature, kind, and location, and the program and contracts of the various departments of the Government with reference to future costs, construction, operation, maintenance, and location, and report to the Senate thereon, together with their recommendation of any steps which they may deem advisable to take with a view to remedying conditions.

Mr. KING. Mr. President, does the Senator from Maine ask for immediate consideration of the resolution?

Mr. FERNALD. I should like to make a statement in regard to the resolution, if the Senator from Utah will permit me. I regret to take any of the time of the Senate to make explanation on a matter of such importance.

Mr. KING. I do not want the Senator to think that I am going to object to the resolution. I merely wanted to propound an inquiry of the Senator, but if he is going to make a statement he may furnish the information I desire.

Mr. SMOOT. Will the Senator yield to me for just a moment?

Mr. FERNALD. I yield.

Mr. SMOOT. I desire to ask the Senator if he has modified the resolution in accordance with the suggestions I made to him on yesterday?

Mr. FERNALD. I have eliminated the matter to which the Senator then objected.

Mr. SMOOT. Then I am willing that the resolution shall be given consideration. I think it is perfectly proper if the matter which I suggested on yesterday to the Senator from Maine has been eliminated in accordance with my suggestion.

Mr. FERNALD. If there is no objection to the consideration of the resolution, Mr. President, it is not necessary for me to make a statement.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

## PROPOSED AMENDMENT TO PEACE TREATY.

Mr. SHERMAN. I present a proposed amendment to the covenant of the league of nations, and I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection, that action will be taken.

The amendment is as follows:

Amend, by inserting before the word "agree," in the last line of the preamble or statement of the league's purposes, the following: "invoke the considerate judgment of mankind and the gracious favor of Almighty God and."

## PROPOSED RESERVATIONS TO PEACE TREATY.

Mr. THOMAS. I submit four proposed reservations to part 13 of the pending treaty, in order that they may be printed and go over.

The reservations are as follows:

Reservations intended to be proposed by Mr. THOMAS, to be made a part of the resolution of ratification of the treaty of peace with Germany, viz:

1. The United States declines to submit the credentials of its delegates and their advisers to the general conference for the determination of that body or to receive or act upon proposals of any conference from which its delegates and advisers or any of them have been excluded. And the United States understands and construes the Government delegates provided by article 389 and the 12 delegates representing Governments upon the governing body of the international labor office and the person of independent standing to be nominated for the panel provided by article 412 to mean that both employers and workers are ineligible to selection or appointment to said positions or any of them. And the United States declines to submit the credentials or qualifications of any of its appointees under part 13 of the treaty to any authority whatever.

2. The United States understands that the provisions of article 1, part 1, of the treaty, authorizing any member of the league to withdraw therefrom, mean that any such withdrawal, when made, is a withdrawal from the international organization created by part 13 of the treaty. The United States also understands that amendments to part 13, under the provisions of article 422, shall not bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league.

3. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and that of the States, respectively, and declares that all domestic and political questions relating to its affairs, including immigration, coastwise traffic, agriculture, the tariff, commerce, and all other domestic subjects, are not under part 13 of this treaty submitted to the determination of the general conference, the governing body of the international labor union, or any other commission of inquiry to be chosen thereunder.

4. The United States reserves the right to decline to recognize the authority, except that of a member of the league, to file a complaint with the international labor office that it is not securing effective observance of any convention which both have ratified in accordance with the article of part 13.

## LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, I have here a letter from ex-Speaker CANNON in reply to a demand on him from the League to Enforce Peace to contribute money.

Mr. PENROSE. It ought to be read.

Mr. LODGE. The accompanying telegram and letter need not be read, but I ask that the letter from ex-Speaker CANNON be read, and that the others be placed in the Record.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

## HOUSE OF REPRESENTATIVES.

Washington, D. C., October 6, 1919.

HERBERT S. HOUSTON,

*Treasurer League to Enforce Peace, New York.*

DEAR MR. HOUSTON: I have your favor of the 2d instant, requesting me to send contribution at once to organize public opinion to take courageous action and demand of the Senate prompt and unreserved ratification of the league of nations covenant.

I am now serving my twenty-third term as a Representative in Congress and have twenty-three times taken the following oath of office:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. So help me God.

"No man can serve two masters," said One who was credited with divine wisdom; and having sworn my undivided allegiance to the Constitution of the United States, I can not in the closing days of my life divide that allegiance with the league of nations covenant as it has been presented to the Senate, and to unreservedly pool the interests of the United States with those of all other nations, some of whom have been foreign enemies in the past and may be in the future.

Under the obligations that I have taken "without any mental reservation or purpose of evasion," I can not contribute to a publicity fund to arouse public opinion to demand that Senators of the United States shall ignore their oaths of office and unreservedly ratify the covenant of the league of nations.

Respectfully, yours,

J. G. CANNON.

The accompanying telegram and letter are as follows:

NEW YORK, N. Y., September 17, 1919.

Personal and confidential.

Humanity, commerce, industry, labor, and the whole social order need immediate ratification of the peace treaty and the covenant of the league of nations. It is vitally important that you shall communicate with your Senators, preferably by telegraph, urging them to ratify promptly and unreservedly. If you have already done so, do it again in a positive and conclusive manner, and get others to do the same. This is the time for us to strike straight from the shoulder with all our strength behind the blow. There is no time to lose.

LEAGUE TO ENFORCE PEACE.



LEAGUE TO ENFORCE PEACE,  
New York, October 2, 1919.

To friends of the league of nations:

In the past the nations of the world have been organized for war; the league of nations proposes to organize them for peace. It proposes to substitute the rule of international justice for the rule of force. Without the league of nations, the world faces a crushing race of armaments, another war more destructive than all former wars, and the suicide of civilization.

And yet in the face of these alternatives the league is now facing a bitter partisan attack in the United States Senate. The next few weeks must decide whether or not the United States shall enter the league of nations—whether or not, indeed, there shall be a league of nations; for, as the opposing Senators themselves have said, "Without us the league is a wreck, and all the gains from a victorious peace are imperiled."

There must be courageous action. Public opinion in every State must be organized and trained on Washington. The campaign must go on until the Senate vote on ratification is taken.

All this will require funds, immediate and adequate. We are not asking you to sign a pledge card; the time is too short for that. Won't you send your check to-day? Next month may be too late.

Yours, very truly,

HERBERT S. HOUSTON,  
Treasurer.

REPEAL OF CANADIAN RECIPROCITY ACT.

Mr. LODGE. Mr. President, the bill (H. R. 7779) to repeal the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, and for other purposes, was referred to the Committee on Foreign Relations. That question of reciprocal trade has always been in the Finance Committee, and I ask that the reference be changed.

The VICE PRESIDENT. It will be so ordered. That was not the fault of the Chair, however.

Mr. PENROSE. Mr. President, I want to take this opportunity to call the attention of the Chair and of the Senate to the fact that great irregularity is indulged in in the reference of bills. This is a notable case. Personally, as chairman of the Committee on Finance, I do not care anything about whether the committee has the bill or not, but the original reciprocity bill under Mr. Taft's administration was referred to the Finance Committee. The bill which the Senator from Massachusetts has just asked to have assigned to the Finance Committee was reported from the Ways and Means Committee of the House, and yet we see the gross irregularity of having the bill referred to the Committee on Foreign Relations, which has never had anything to do with it whatever. My attention has been called to quite a number of similar instances. It does not seem to matter from what committee in the House a bill is reported and comes over here, the whim of a Senator or the carelessness of a clerk seems to send the bills scattering to miscellaneous committees. I sincerely hope that some historical continuity and parliamentary consistency will be observed hereafter in the reference of bills. This is quite a flagrant case.

The VICE PRESIDENT. The Chair will state to the Senator from Pennsylvania that the present occupant of the chair was not here when the bill was referred or it would have been referred to the Committee on Finance. It should have gone there.

Mr. PENROSE. I hope the present occupant of the chair will pardon me. I had not the present occupant in mind in any way when I made my remarks. I was thinking that it had been carelessly done by one of the clerks, perhaps by one of the new clerks at the desk. I know that if the present occupant of the chair had been present he would have known about this notable and, I may say, very unfortunate bill, and would have made the proper reference.

The VICE PRESIDENT. That the Senator from Pennsylvania may know, the Chair will state what has been the practice of the present occupant. Senators frequently introduce a bill and ask that it go to a certain committee. If the Chair does not have the time to examine the bill and if there is no objection, it goes to that committee. When there is no request made, the Chair tries to ascertain, particularly in the case of House bills, what House committee had it in charge, and so refers it.

Mr. PENROSE. I know that accuracy is impossible, and I am not rising in a complaining mood, but simply to call attention to a condition which sometimes arises, with the hope that it may tend toward correcting it.

I know that the other day in the Committee on Banking and Currency extensive hearings were held in connection with the essential features of the bill that certain securities should be tax free. This question had been exhaustively discussed in the Finance Committee, and the benefit of Treasury experts had been had by consultation with them, and yet this committee, which had given no attention whatever to the tax exemption of certain securities, was called upon to thrash over new ground, when the bill should have gone to the Finance Committee. Let the Banking and Currency Committee go on and

learn a little about the tax exemption of certain issues, but certainly it would have been better for the business of the Senate if the Senator who introduced the bill, for whom I have the highest esteem and who is a member of both committees, had had the bill referred to the committee to which it belonged. This is only another illustration of the way work is doubled up and sometimes delayed.

FREE ZONES.

Mr. President, without criticizing anyone, but in order to complete the statement that I made a moment ago, I desire to say—and the matter is really hardly important enough perhaps to refer to, but as it is before me I want to do so—that quite an important inquiry concerning free zones in ports of the United States has been conducted by the Committee on Ways and Means of the House of Representatives. A pamphlet which I hold in my hand contains the information on the subject from the United States Tariff Commission. It is purely a financial and fiscal matter, which is always within the jurisdiction of the Ways and Means Committee of the House of Representatives and of the Finance Committee of the Senate; and yet I find Senate bill 2284, introduced by the senior Senator from Washington [Mr. JONES], to provide for the establishment, operation, and maintenance of free zones in ports of entry of the United States, and for other purposes, referred, undoubtedly at his request, as it was his bill, to the Committee on Commerce.

I am not in any way questioning the entire propriety of the Senator taking his own bill under his own jurisdiction and conducting the hearings—and hearings are now being conducted—but if it were not the Senator's own bill it would certainly be highly irregular to have the Ways and Means Committee and the Tariff Commission conducting an inquiry at one end of the Capitol and the Committee on Commerce, which has never had any jurisdiction over these questions, conducting a similar inquiry at this end of the Capitol. Under ordinary circumstances the bill should have gone to the Committee on Finance.

The VICE PRESIDENT. The Chair will entertain a motion to discharge the Committee on Commerce from the further consideration of the bill and refer it to the Committee on Finance.

Mr. PENROSE. I would not do that under the circumstances, because it is the Senator's own bill, and he has already commenced hearings. I shall be satisfied to call the attention of the Senate to the irregularity of the proceeding in the hope that it will not occur too frequently in the future.

Mr. SMOOT subsequently said: Mr. President, if the Senator from Washington [Mr. JONES] were in the Chamber I would ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 2284) to provide for the establishment, operation, and maintenance of free zones in ports of entry in the United States, and for other purposes, and that it be referred to the Committee on Finance. I do not wish to make that request in the absence of the Senator from Washington.

The VICE PRESIDENT. A motion to that effect may be entered and postponed until the Senator from Washington comes into the Chamber.

LEASE OF INDIAN RESERVATIONS FOR METALLIFEROUS MINING PROJECTS.

Mr. ASHURST. Mr. President, section 26 of the Indian appropriation act approved June 30, 1919, contains a provision which authorizes the leasing of portions of certain Indian reservations for metalliferous mining. I have within the past half hour been supplied by the Interior Department with a copy of the rules and regulations under which such leases may be entered into, which rules were promulgated to-day, together with a copy of the descriptions by legal subdivision, and where that is impossible a description by metes and bounds of various portions of the reservations that will be open for the prospecting for and leasing of metalliferous minerals therein.

Throughout the entire West there is a wide demand for copies of these rules and regulations and for copies of the descriptions of the lands open for prospecting and lease. I ask unanimous consent to include in the RECORD a copy of the rules and a copy of the descriptions of the lands so opened. I will state for the record that the rules and regulations will take effect and be in force and effect at noon on Saturday, November 1, 1919, and the date for such opening has been placed far enough in the future so that all interested persons might have due notice and so that no discriminations could possibly occur.

I have received a large number of letters and telegrams asking whether this law applies to oil, coal, potash, gas, potassium, sodium, and so forth, and I have in each instance replied that this law does not apply to such minerals, as they are not metalliferous, and that the law applies solely and only to metalliferous minerals.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF LANDS SUBJECT TO LEASE FOR MINING METALLIFEROUS METALS.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., September 20, 1919.

Section 26 of the Indian appropriation act of June 30, 1910 (Public, No. 3), authorizes the location of mining claims by citizens of the United States on unallotted lands of Indian reservations, after such lands shall have been declared by the Secretary of the Interior to be subject to exploration for the discovery of gold, silver, copper, and other valuable metalliferous minerals. Should minerals be found locators have the privilege within one year of entering into a lease covering the land located. In accordance therewith I hereby declare the following-described unallotted Indian lands subject to exploration on and after 12 o'clock m. on Saturday, November 1, 1919, and, with the exception of such land therein as may contain springs, water holes, or other bodies of water, subject to location and lease:

"Arizona.

"MOQUI INDIAN RESERVATION.

"South: Beginning at the Moqui south line (running east and west) the northernmost  $\frac{1}{4}$  of sections 1, 2, 3, 4, 5, and 6, in each of townships 24 north, in each of ranges 13, 14, 15, 16, 17, 18, 19, 20, 21, and part of range 22; being all that part of the Moqui Indian Reservation lying in said ranges and in townships 24 north (Navajo County). All of townships 25 north, in the same ranges (Navajo County). (These townships form the entire south belt of the reservation. Probably not all of the belt will be inviting to prospectors.)

"West: Townships 26, 27, 28, 29, 30, and 31 north, in ranges 13, 14, and 15, a broad belt along the Moqui west line, running from the south line to Blue Canyon; half of range 15 being in Navajo County, but the remainder and ranges 13 and 14 being in Coconino County.

"Northeast: North and northeast of township 31 north, being the complete northeastern corner of the Moqui Reserve, which has not been surveyed, known locally as "the Black Mountain country," extending from Blue Canyon on the west to the Moqui east line, and from the strip of townships numbered 31 north to the north line of the Moqui Reserve.

"SALT RIVER INDIAN RESERVATION.

"(Gila and Salt River meridian.)

Sections.	Town- ship north.	Range- east.
E. $\frac{1}{4}$ of 1.....	2	5
6, 5, 4, 3, 2, 1, 7; N. $\frac{1}{4}$ of 8, 11, 12; W. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ and the W. $\frac{1}{4}$ of the E. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of 13.....	2	6
All of 6 west of Salt River.....	2	7
36.....	3	5
31, 32, 33, 34, 35, 36.....	3	6
31, 32, and all of 33, 27, 28, and 29 lying within the Salt River Indian Reservation.....	3	7

"SAN CARLOS INDIAN RESERVATION.

"Beginning at the mouth of the San Carlos River where the same empties into the Gila River, same being within the San Carlos Indian Reservation; thence in a west and southwesterly direction with the thread of the stream of the said Gila River to the point where the south boundary of the said reservation touches the thread of the stream of said Gila River coming east from the southwest corner of said reservation; thence west with the south boundary of said reservation to its said southwest corner; thence in a northern and eastern direction with the west boundary of said reservation to the thread of the stream of Black River; thence up Black River with the thread of that stream to a point where the bridge over Black River is approached by the public highway which leads from Rice to Fort Apache; thence in southern, western, and southwestern directions with said highway to the sawmill of the said San Carlos Indian Reservation; thence in a southerly direction with said highway to Cassadore Springs on said highway and Natural Corral Creek; thence in a southerly direction with said creek with the thread of its stream to where same empties into the San Carlos River; and thence in a southerly direction following the thread of said last-named river to its mouth, the place of beginning, embracing approximately between one-quarter and one-third of the reservation on the west.

"WALAPAI INDIAN RESERVATION.

"All of the reservation.

"COLORADO RIVER INDIAN RESERVATION.

"T. 10 N., R. 19 W.; fractional secs. 27, 34, 33, 32.  
"T. 9 N., R. 19 W.; fractional sec. 3; whole secs. 10, 15, 22; fractional secs. 27, 33, 34.  
"T. 8 N., R. 19 W.; fractional secs. 4, 5, 8, 9, 17, 18, 19, 30, 30, 31.  
"T. 8 N., R. 20 W.; secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34, 35, 36.  
"T. 7 N., R. 19 W.; fractional secs. 6 and 7.  
"T. 7 N., R. 20 W.; secs. 1, 2, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.  
"T. 6 N., R. 20 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33.  
"T. 6 N., R. 21 W.; secs. 1, 11, 12, 13, 14, 23, 24, 25, 26, 35, 36.  
"T. 5 N., R. 20 W.; secs. 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, 32.  
"T. 5 N., R. 21 W.; secs. 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36.  
"T. 4 N., R. 20 W.; secs. 6, 7, 18.  
"T. 4 N., R. 21 W.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 16.  
"All Salt River meridian, situated on the Colorado River Indian Reservation, Yuma County, Ariz.  
"T. 2 N., R. 26 E.; fractional secs. 9, 16, 17, 19; secs. 20, 21; fractional secs. 22, 27; secs. 28, 29, 30, 31, 32, 33; fractional sec. 34.  
"T. 2 N., R. 25 E.; fractional secs. 25, 35, 36.  
"T. 1 N., R. 25 E.; sec. 1; fractional secs. 2, 10; secs. 11, 12, 13, 14, 15; secs. 21, 22; fractional secs. 16, 20, 26, 33, 34; secs. 27, 28.  
"T. 1 S., R. 25 E.; fractional secs. 4, 5, 7.  
"T. 1 S., R. 24 E.; fractional secs. 13, 23, 24, 26, 34.  
"T. 2 S., R. 24 E.; fractional secs. 3, 4, 8, 17, 20, 21; secs. 9 and 16.  
"All San Bernardino meridian on Colorado River Indian Reservation in California.

"FORT APACHE INDIAN RESERVATION.

"All the western part of the reservation west of a line drawn 1 mile east of Carixio Creek and Limestone Creek; also that part of the reservation south of the east fork of White River and east of a line beginning at the mouth of Rock Creek, where it empties into East Fork, and running south to the mouth of Corn Creek, where it empties into Big Bonita Creek, including East Poker Mountain. This description takes in the headwaters of Rock Creek, Bonita Creek and all its branches, Pachete and Reservation Creeks, which empty into Black River.

"WESTERN NAVAJO INDIAN RESERVATION.

"Entire reservation.

"Arizona and New Mexico.

"SAN JUAN INDIAN RESERVATION.

"Entire reservation.

"NAVAJO INDIAN RESERVATION.

"California.

"HOOPA VALLEY INDIAN RESERVATION.

"All unallotted land.

"Klamath River extension, lots 8 and 9, sec. 7, T. 11 N., R. 3 E., Hoopa meridian, comprising the Indian village of Wauteck.

"TULE RIVER INDIAN RESERVATION.

"Entire reservation.

"FORT YUMA INDIAN RESERVATION.

"Secs. 25, 26, 35, and 36 in T. 15 S., R. 21 E., San Bernardino meridian.

"All of secs. 25 to 31, inclusive, above the main irrigation canal in T. 15 S., R. 23 E., San Bernardino meridian.

"Secs. 2 to 10, inclusive, T. 16 S., R. 22 E., San Bernardino meridian.

"Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, and 35 in T. 16 S., R. 21 E., San Bernardino meridian.

"Secs. 25 to 36, inclusive, in T. 15 S., R. 22 E., San Bernardino meridian.

"MORONGO INDIAN RESERVATION.

"Secs. 8 and 9; E.  $\frac{1}{2}$  of sec. 16; secs. 17, 18, and 19, T. 2 S., R. 2 E.

"Idaho.

"FORT HALL INDIAN RESERVATION.

"Sec. 13; E.  $\frac{1}{2}$  sec. 14; secs. 23, 24, 25; E.  $\frac{1}{2}$  sec. 26; E.  $\frac{1}{2}$  sec. 35; sec. 36, T. 5 S.; secs. 1, 2, 11, and 12, T. 6 S., R. 36 E.; secs. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 5 S.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, T. 6 S., R. 37 E., SW.  $\frac{1}{4}$  sec. 3, sec. 9, NW.  $\frac{1}{4}$  S.  $\frac{1}{2}$  sec. 10, sec. 13, NW.  $\frac{1}{4}$  S.  $\frac{1}{2}$  sec. 14, secs. 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 9 S., R. 32 E.; secs. 1, 2, E.  $\frac{1}{2}$  sec.



3, NE.  $\frac{1}{4}$  sec. 10, secs. 11, 12, 13, 14, E.  $\frac{1}{4}$  sec. 15, secs. 18, 19, 20, E.  $\frac{1}{4}$  sec. 22, secs. 23, 24, 25, 26, E.  $\frac{1}{4}$  sec. 27, secs. 29, 30, 31, 32, 33, and 36, T. 9 S., R. 33 E.; sec. 14, SE.  $\frac{1}{4}$  sec. 15, NE.  $\frac{1}{4}$  sec. 22, secs. 23, 24, 25, S.  $\frac{1}{4}$  sec. 26, secs. 35 and 36, T. 8 S., R. 33 E.; secs. 12, 13, E.  $\frac{1}{4}$  sec. 14, SW.  $\frac{1}{4}$  sec. 15, SE.  $\frac{1}{4}$  sec. 16, secs. 21, 22, 23, 24, 25, N.  $\frac{1}{4}$  sec. 26, N.  $\frac{1}{4}$  sec. 27, sec. 28, NE.  $\frac{1}{4}$  sec. 33, NW.  $\frac{1}{4}$  sec. 34, and E.  $\frac{1}{4}$  sec. 36, T. 7 S., R. 33 E., Boise meridian.

"NEZ PERCE INDIAN RESERVATION (FORT LAPWAI SCHOOL).

"Secs. 16-17-20, T. 36 N., R. 2 E., Boise meridian.

"Sec. 27, T. 35 N., R. 2 E., Boise meridian.

"Secs. 20-29, T. 34 N., R. 3 E., Boise meridian.

"Secs. 10-15, T. 34 N., R. 3 W., Boise meridian.

"Sec. 22, T. 33 N., R. 2 W., Boise meridian.

"Montana.

"ROCKY BOY INDIAN RESERVATION.

Section.	Township north.	Range (east).
1.....	28	15
2.....	28	15
3.....	28	15
4.....	28	15
5.....	28	15
Lots 1, 2, 9, 10, sec. 6.....	28	15
8.....	28	15
SE. $\frac{1}{4}$ 11.....	28	15
12.....	28	15
N. $\frac{1}{4}$ 13.....	28	15
14.....	28	15
15.....	28	15
27.....	28	15
N. $\frac{1}{4}$ 28.....	28	15
Lots 5, 6, 15, 16, 19, sec. 1.....	28	15
2.....	28	16
7.....	28	16
9.....	28	16
11.....	28	16
Lots 2, 3, 6, 7, sec. 12.....	28	16
Lots 2, 3, 6, 7, sec. 13.....	28	16
N. $\frac{1}{4}$ 14.....	28	16
16.....	28	16
18.....	28	16
21.....	28	16
W. $\frac{1}{4}$ 26.....	28	16
27.....	28	16
W. $\frac{1}{4}$ 28.....	28	16
N. $\frac{1}{4}$ 30.....	28	16

"TONGUE RIVER INDIAN RESERVATION.

"All of reservation except Indian settlements and land reserved for schools, agency, and farming sites.

"Nevada.

"PYRAMID LAKE INDIAN RESERVATION (NEVADA SCHOOL).

"T. 21 N., R. 24 E. of Mount Diablo meridian, Nevada.

"NW.  $\frac{1}{4}$  sec. 3; NE.  $\frac{1}{4}$  and SW.  $\frac{1}{4}$  sec. 3 within the reservation boundary; NE.  $\frac{1}{4}$  sec. 10 lying within the reservation boundary; NW.  $\frac{1}{4}$  and SW.  $\frac{1}{4}$  sec. 11 lying within the reservation boundary; NW.  $\frac{1}{4}$  sec. 14 and NE.  $\frac{1}{4}$  sec. 23 lying within the reservation boundary.

"T. 22 N., R. 24 E., Mount Diablo meridian.

"All of secs. 1, 2, 3, 4, 10, 11, 12, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36, not covered by water.

"T. 28 N., R. 22 E., Mount Diablo meridian.

"All of secs. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.

"T. 22 N., R. 24 E., Mount Diablo meridian.

"W.  $\frac{1}{4}$  sec. 5; SW.  $\frac{1}{4}$  sec. 6; SW.  $\frac{1}{4}$  sec. 7; and S.  $\frac{1}{4}$  sec. 8 lying within the reservation boundary.

"All of secs. 17, 18, 19, 20, 29, 30, 32, 33.

"All of secs. 16, 21, 27, 28, and 34 lying within the reservation boundary.

"T. 23 N., R. 21 E., Mount Diablo meridian.

"NE.  $\frac{1}{4}$  sec. 3 within the reservation boundary; NW.  $\frac{1}{4}$  sec. 2; W.  $\frac{1}{4}$  sec. 1; all of sec. 12; all of secs. 11 and 13 within the reservation.

"T. 25 N., R. 21 E., Mount Diablo meridian.

"S.  $\frac{1}{4}$  sec. 18; SW.  $\frac{1}{4}$  sec. 17 not covered by water.

"All of secs. 19, 29, 30, 31, 32; NW.  $\frac{1}{4}$  sec. 28; W.  $\frac{1}{4}$  sec. 23.

"All of sec. 20 not covered by water.

"T. 24 N., R. 22 E., Mount Diablo meridian.

"All of secs. 1, 2, 11, and 12; NW.  $\frac{1}{4}$  sec. 14; N.  $\frac{1}{4}$  sec. 13; W.  $\frac{1}{4}$  sec. 13 not covered by water.

"T. 29 N., R. 22 E., Mount Diablo meridian.

"All of secs. 19, 20, 21, 22, 27, 34, and 35 within the reservation boundary. All of secs. 28, 29, 30, 31, 32, and 33.

"T. 27 N., R. 22 E., Mount Diablo meridian.

"All of secs. 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36; NW.  $\frac{1}{4}$  sec. 8; W.  $\frac{1}{4}$  sec. 21; W.  $\frac{1}{4}$  secs. 28 and 33 not under water.

"T. 23 N., R. 22 E., Mount Diablo meridian.

"All of secs. 6, 7, 8, 15, 16, 17, 21, 22, 23, 25, and 26; SW.  $\frac{1}{4}$  sec. 5; W.  $\frac{1}{4}$  sec. 9; SE.  $\frac{1}{4}$  sec. 9; SW.  $\frac{1}{4}$  sec. 14 not covered by water; SW.  $\frac{1}{4}$  sec. 24; all of secs. 18, 19, 20, 27, 28, 34, 35, and 36 within the reservation boundary.

"T. 25 N., R. 20 E., Mount Diablo meridian.

"All of secs. 11, 13, 24, 25, and 36; SW.  $\frac{1}{4}$  sec. 2; SW.  $\frac{1}{4}$  sec. 12; all of secs. 3, 10, 14, 23, 26, and 35 within the reservation.

"T. 23 N., R. 22 E., Mount Diablo meridian.

"All of secs. 6, 7, 8, 15, 16, 17, 21, 22, 25, and 26; SW.  $\frac{1}{4}$  sec. 5; NW.  $\frac{1}{4}$  sec. 5; SE.  $\frac{1}{4}$  sec. 5; NW.  $\frac{1}{4}$  sec. 9; SW.  $\frac{1}{4}$  sec. 9; SE.  $\frac{1}{4}$  sec. 9; all of secs. 18, 19, 20, 27, 28, 34, 35, and 36 lying within the reservation boundary; SW.  $\frac{1}{4}$  sec. 24.

"T. 28 N., R. 23 E., Mount Diablo meridian.

"All of secs. 18, 19, 29, 30, 31, 32, 33 lying within the reservation boundary.

"T. 26 N., R. 23 E., Mount Diablo meridian.

"All of secs. 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, and 33; NW.  $\frac{1}{4}$  sec. 34; SW.  $\frac{1}{4}$  sec. 34; SE.  $\frac{1}{4}$  sec. 34 not under water; W.  $\frac{1}{4}$  sec. 10.

"T. 28 N., R. 20 E., Mount Diablo meridian.

"All of secs. 2, 11, 14, 32, 33, 34, 35, and 36; W.  $\frac{1}{4}$  secs. 1, 12, and 13; NW.  $\frac{1}{4}$  sec. 24; SW.  $\frac{1}{4}$  sec. 24; SE.  $\frac{1}{4}$  sec. 24; S.  $\frac{1}{4}$  sec. 25; NW.  $\frac{1}{4}$  sec. 25; W.  $\frac{1}{4}$  sec. 31.

"T. 27 N., R. 21 E., Mount Diablo meridian.

"All of secs. 5, 6, 7, 8, 17, and 18; W.  $\frac{1}{4}$  sec. 9 not under water; W.  $\frac{1}{4}$  sec. 16 not under water.

"T. 27 N., R. 30 E., Mount Diablo meridian.

"All of secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 21, 22, 23, 26, 27, and 28; E.  $\frac{1}{4}$  secs. 6 and 7 within the reservation boundary. All of sec. 17 within the reservation boundary; SE.  $\frac{1}{4}$  sec. 29 and NE.  $\frac{1}{4}$  sec. 32 within the reservation boundary; NW.  $\frac{1}{4}$  sec. 34; N.  $\frac{1}{4}$  sec. 35.

"T. 28 N., R. 21 E., Mount Diablo meridian.

"All of secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 15, 18, 19, 20, 29, 30, 31, and 32; S.  $\frac{1}{4}$  sec. 7; W.  $\frac{1}{4}$  sec. 8; W.  $\frac{1}{4}$  sec. 23.

"T. 24 N., R. 23 E., Mount Diablo meridian.

"All of secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, and 21; NW.  $\frac{1}{4}$  sec. 19; NE.  $\frac{1}{4}$  sec. 34.

"T. 27 N., R. 21 E., Mount Diablo meridian.

"All of secs. 5, 6, 7, 8, 17, and 18; W.  $\frac{1}{4}$  of secs. 9 and 10 not under water.

"T. 24 N., R. 24 E., Mount Diablo meridian.

"All of secs. 1 and 12 within reservation.

"WESTERN SHOSHONE INDIAN RESERVATION.

"In R. 53 E., T. 46 N., all of the portions of secs. 14, 23, 26, and 35 within the reservation boundary and all of secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34.

"In R. 52 E., T. 46 N., all of secs. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

"In R. 51 E., T. 46 N., all of secs. 13, 14, 23, 24, 25, 26, and 36.

"New Mexico.

"MESCALERO INDIAN RESERVATION.

"T. 12 S., R. 16 E. (Surveyed.)

"T. 13 S., R. 16 E. (Surveyed.)

"T. 14 S., R. 16 E. (Surveyed.)

"N.  $\frac{1}{4}$  T. 15 S., R. 16 E. (Surveyed.)

"T. 12 S., R. 15 E. (Surveyed.)

"T. 13 S., R. 15 E. (Not surveyed.)

"T. 14 S., R. 15 E. (Not surveyed.)

"N.  $\frac{1}{4}$  T. 15 S., R. 15 E. (Surveyed.)

"T. 12 S., R. 14 E. (Partial survey covering secs. 1, 11, 12, 13, 14, and 21 to 36, inclusive.)

"T. 13 S., R. 14 E. (Not surveyed.)

"T. 14 S., R. 14 E. (Surveyed.)

"N.  $\frac{1}{4}$  T. 15 S., R. 14 E. (Partial survey covering secs. 4, 5, 6, 7, 8, 9, 16, 17, and 18.)

"T. 12 S., R. 13 E. (Surveyed.)

"T. 13 S., R. 13 E. (Not surveyed.)

"T. 14 S., R. 13 E. (Not surveyed.)

"N.  $\frac{1}{4}$  T. 15 S., R. 13 E. (Surveyed.)

"T. 13 S., R. 12 E. (Partial survey covering secs. 19 to 36, inclusive.)

"T. 14 S., R. 12 E. (Partial survey covering secs. 1, 7, 8, 12, 17, 18, 19, and 20.)

"N.  $\frac{1}{4}$  T. 15 S., R. 12 E. (Not surveyed.)

"T. 11 S., R. 10 E. (Surveyed, less secs. 6, 7, 18, 19, 30, and 31.)

"The Sierra Blanca District covering—

"T. 11 S., R. 11 E. (Not surveyed.)

"Fractional T. 11 S., R. 12 E. (Not surveyed.)

"Fractional T. 12 S., R. 10 E. (Not surveyed.)

"T. 12 S., R. 11 E. (Not surveyed.)

"Fractional T. 12 S., R. 12 E. (Not surveyed.)

## "PUEBLO BONITO INDIAN RESERVATION.

"T. 17, Rs. 14, 15, and 16, New Mexico principal meridian.

## "Oregon.

## "WARM SPRINGS INDIAN RESERVATION.

"Ts. 6, 7, 8, 9, 10, 11 S., Rs. 8 and 9 E., and Ts. 6 and 7 S., Rs. 13 and 14 E., Willamette meridian.

## "Washington.

## "YAKIMA INDIAN RESERVATION.

"Ts. 8 and 9 N., fractional Rs. 11 and 12 and R. 13 E.

"Ts. 10 and 11 N., fractional R. 12 and R. 13 E., Willamette meridian.

## "NEAH BAY INDIAN RESERVATION.

"Township 32 N., R. 15 W.

"Sections 1, 2, 3, and the SW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$  of section 4, NW.  $\frac{1}{4}$  of section 9, and all of sections 10, 11, 12, 13, 14, and 15.

"Township 33 N., R. 15 W.

"Sections 4, 5, 6, 7, 8, 9, all of 13, exception of the NE.  $\frac{1}{4}$  of NE.  $\frac{1}{4}$  of sec. 16 and all of sec. 17 and the N.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  of sec. 18. SE.  $\frac{1}{4}$  of sec. 21. All of the section 22, with the exception of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$ .

"All of sections 23, 24, 25, 26, and 27. All of section 28, with the exception of the NW.  $\frac{1}{4}$ . The E.  $\frac{1}{2}$  of section 33 and all of 34, 35, and 36.

"Township 33 N., R. 14.

"Sections 19, 30, and 31, and the S.  $\frac{1}{2}$  of section 18.

"As occasions warrant other tracts of unallotted Indian land may be declared opened to prospecting. Persons desiring information whether land not mentioned above is subject to exploration should apply to the Indian superintendent in charge of the land for information on this point.

"(Signed) FRANKLIN K. LANE, Secretary."

## REGULATIONS TO GOVERN PROSPECTING FOR AND MINING OF METALLIFEROUS MINERALS ON UNALLOTTED LANDS OF INDIAN RESERVATIONS.

Section 26 of the act of June 30, 1919 (Public No. 3), reads:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming, heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

"That after the passage and approval of this section, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this section may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering live stock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section.

"That leases under this section shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any

time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

"That in addition to areas of mineral land to be included in leases under this section the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, subject to the payment of an annual rental of not less than \$1 per acre, a tract of unoccupied land, not exceeding 40 acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

"That the Secretary of the Interior, in his discretion, in making any lease under this section may reserve to the United States the right to lease for a term not exceeding that of the mineral lease, the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

"That any successor in interest or assignee of any lease granted under this section, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the lease under which such rights are held and also subject to all the provisions and conditions of this section to the same extent as though such successor or assign were the original lessee hereunder.

"That any lease granted under this section may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this section or with such conditions not inconsistent herewith as may be specifically recited in the lease.

"That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per cent of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of not less than 25 cents per acre for the first calendar year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

"That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than \$100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon: *And provided further*, That no timber shall be cut upon the reservation by the lessee except for mining purposes, and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

"That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

"That all moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

"That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians



and for the purpose of carrying the provisions of this section into full force and effect: *Provided*, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

"That mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians.

To carry this provision of law into effect the following general regulations are prescribed:

"1. From time to time unallotted land on Indian reservations within the States named in the section above quoted will be declared subject to exploration. The land will be opened only after reports have been received from the superintendent or other officer in charge (hereafter called the officer in charge) as to the desirability of such action and of the part, if any, which should be reserved in the interests of the Indians. Anyone desiring to prospect on any particular reservation may obtain information from the officer in charge thereof as to whether it is subject to lease.

"2. All persons prospecting on unallotted Indian land under these regulations or who may acquire rights of occupancy of such lands thereunder in the use of the lands are bound to a strict compliance with all the laws of the United States prohibiting the introduction of intoxicants into the Indian country and with the laws of the United States and the regulations of the Department of the Interior prescribed thereunder in respect to trade intercourse with the Indian tribes.

"3. Should valuable metalliferous minerals be found, the section contemplates the location of mining claims in the same manner as mining claims are located under the mining laws of the United States. Should the locator fail to file a duplicate copy of the location notice with the officer in charge of the land within 60 days or fail within 1 year thereafter to make application through the officer in charge to the Secretary of the Interior for a lease of the land, he will thereby forfeit all preference right to a lease. Any locator who fails to comply with the United States mining laws and the regulations of the General Land Office prescribed thereunder as to the location of mining claims will also forfeit all preference right to a lease.

"The regulations of the General Land Office provide in effect that no lode claim can exceed a parallelogram 1,500 feet in length by 600 feet in width, but whether surface ground of that width can be taken depends upon the local regulations or State or Territorial laws in force in the several mining districts; that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than 1,500 feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than 50 feet in width; that all records of mining locations shall contain the name or names of the locators, the date of location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim; that no lode claim shall be located until after the discovery of a vein or lode within the limits of the claim; that the claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft or run a tunnel or drift to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice and determine, if possible, the general course of such vein in every direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface; that his location notice should give the course and distance as nearly as practicable from the discovery shaft on the claim to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, point of intersection of well-known gulches, ravines, or roads, etc., which may be in the immediate vicinity; that the claimant should also state the names of adjoining claims or, if none adjoining, the relative positions of the nearest claims; that he should drive a post or erect a monument of stone at each corner of the surface ground and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode,

the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery, it being essential that the location notice filed for record should state whether the entire claim of 1,500 feet is taken on one side of the point of discovery or whether it is partly upon one and partly upon the other, and if the latter, how many feet are claimed upon each side of the discovery point.

"4. Lessees will have the right to mine only within the exterior boundaries of the leased lands and to lines drawn vertically downward therefrom. The provision of the general mining laws that the locator of a mining claim shall have the exclusive right to all veins, lodes, or ledges throughout their entire depth, the tip or apex of which lies inside the surface lines, extending downward vertically, does not apply to these leases, since the act limits the application of the general mining laws to the manner of the location of mining claims.

"5. Individual placer claims are limited by the general mining laws to not more than 20 acres for one person, 40 acres for two, and 160 acres for an association of eight or more persons. Locations, if upon surveyed land, must be located in conformity to the legal subdivisions of the survey. If made upon unsurveyed land the locations must be marked in the same manner as lode locations, but shall conform as nearly as practicable to what would be public-land surveys and the rectangular subdivisions thereof.

"6. Before a lease will be granted covering a lode mining claim or a placer claim on unsurveyed land, it will be necessary for the locator, at his expense, to have the claim surveyed by a United States surveyor. The survey must be made in the form and manner required by and under the laws and regulations governing the survey of claims under the United States mining laws, application for such survey to be made to the United States surveyor general for the State wherein the claim is located. Two copies of the plat and two copies of the field notes must be filed by the locator with his lease.

"7. Locators whose application for a lease has been approved will be allowed 30 days from the date of notification of approval within which to complete and file a lease with the officer in charge of the reservation, and the failure to complete and file a lease within that time will be cause for the forfeiture of the preference right to a lease, in the discretion of the Secretary of the Interior.

"8. Upon being notified of the acceptance of its application for a lease, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided*, That if any such papers have already been filed, a statement to that effect may be submitted.

"Leases made by corporations shall be accompanied by an affidavit showing the authority of its officers to execute leases, bonds, and other papers.

"9. Each lease shall be accompanied at the time of filing by the advance annual rental for the first year. No lease shall be forwarded by the officer in charge for favorable consideration unless the advance annual rental for the first year has been deposited with him.

"10. Lessees shall furnish with each lease a bond with two or more personal sureties or with an acceptable company authorized to act as sole surety. Said bond shall be in amounts as follows:

"For less than 40 acres, \$500; for 40 acres and less than 80 acres, \$1,000; for 80 acres and less than 120 acres, \$1,500; for 120 acres and not more than 160 acres, \$2,000: *Provided*, That a lessee may file one bond in the sum of \$15,000 covering all the leases to which he is or may become the lessee. The right is reserved to increase the amount of the bond above the sums named in any case and to accept substitute bonds where the Secretary of the Interior deems it proper to do so.

"11. Lessees may assign their leases or any part thereof or sublease the premises or any part thereof with the consent and approval of the Secretary of the Interior. Lessees shall not permit any person or persons to have possession of the leased premises, or any part thereof, save and except those rightfully entitled thereto, pursuant to the conditions set forth in the law, regulations, and lease.

"12. Leases shall be irrevocable except for breach of the terms and conditions of the same, and may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which the land or some part thereof is situated. Lessees may, with the consent of the Secretary of the Interior, surrender their leases in whole or in part upon payment of a fee of \$1, provided all royalties, rentals, and other obligations due and accrued up to the date of completion of their applications for surrender have been paid and fulfilled. If a lease has been recorded, the lessee shall execute



a release and record the same in the proper county recording office, and file the release with the officer in charge. An application for surrender will be considered as completed on the date of the filing of same in the office of the officer in charge, provided the foregoing regulations have been fulfilled.

"13. Each lessee will be required to pay a royalty on production computed on the net value of the output of the minerals at the mine, payable at the end of each month. The law provides that this royalty shall not be less than 5 per cent, but in view of the impossibility of fixing in advance by regulation the exact royalty to be imposed upon the different minerals found, varying in value and in conditions under which they are mined, the royalty governing each lease will be fixed and determined prior to the issuance of each lease and incorporated therein. The term used in the law, 'net value of the output of the minerals at the mine,' is construed to mean the gross value of the ores, less the cost of mining said ores, the cost of concentration, of handling, of transportation, of shipping from the mouth of the mine to the works where the ore is treated, and the cost of milling, reducing, or smelting. 'Cost of mining said ore' covers only the cost of mining the ore produced and brought out of the mine during the month, and does not include cost of prospecting, of preliminary workings, or the cost of the mining plant.

"14. In addition to the royalty on production the lessee will be required to pay advance annual rental of 25 cents per acre for the first year, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each year thereafter, the rental for any one year to be credited against the royalties as they accrue for that year. It will also be necessary for the lessee to expend annually not less than \$100 in development work for each mining claim located or leased in the same manner as required under the mining laws of the United States.

"15. Each lessee shall keep books of accounts showing the amount of ore mined each month, the cost of mining same, the amount of ore shipped or other mineral substances sold or treated, and the amount of money received from the sale of ores, etc. The books of the lessee shall be open to inspection, examination, and verification by any officer of the Interior Department assigned to such duty by the Secretary of the Interior, and the duly authorized agents of the United States shall be permitted freely to make copies of all the accounts and other books of the lessee. All royalties due under the lease shall be paid to the officer in charge of the reservation in cash, or by certified check or other suitable form of exchange, and at time of payment each lessee must file with said officer a sworn statement showing the amount of ore mined during the preceding month, cost of mining and extracting the same, the amount of ore shipped or sold, and the amount received therefor. Lessee must also file with the officer in charge within 20 days after the reduction of the ores a duplicate of all mill and smelter returns.

"16. Lessees shall file annual reports, accompanied by maps and diagrams when necessary, within 20 days after the close of each calendar year with the officer in charge, showing the extent, character, and location of all development work and mining operations, such annual reports to be in the form of sworn statements by the lessee or superintendent in charge of the work, and such other reports from time to time as the Secretary of the Interior may, in his discretion, require.

"17. In mining operations the lessee shall keep the mine well and sufficiently timbered at all points where necessary in accordance with good mining practice and in such manner as may be necessary to the proper preservation of the property leased and safety of the workmen, compatible with economical mining. If it be necessary to use any wood, stone, coal, or other material the lessee shall first obtain written permission from the officer in charge and shall pay him, for the Indians, the current prices for all such material taken.

"18. On expiration of the term of the lease or when a lease is surrendered the lessee shall deliver to the Government the leased premises with the mine workings in good order and condition, and bondsmen will be held for such delivery in good order and condition unless relieved by the Secretary of the Interior for cause. It shall, however, be stipulated that the machinery necessary to operate the mine is the property of the lessee, but that it may be removed by him only after the condition of the property has been ascertained by inspection by the Secretary of the Interior or his authorized agents.

"19. It is expressly understood that any duly authorized agent of the Government shall be permitted from time to time, and at all times during the life of the lease, freely and without notice, to enter upon and in all parts of the leased premises, and, if desired, take with him the local mine inspector and such mining experts as may be necessary for the purpose of inspection and examina-

tion thereof, with a view of ascertaining whether or not the terms and conditions of the agreement are being faithfully complied with, and to know that the mine is operated in workmanlike manner as required by the lease and in compliance with the law of the State or Territory in which the mine is situated.

"20. Any lessee desiring to use not to exceed 40 acres of unoccupied land for a camp site, milling, smelting, and refining works, or for other purposes connected with the proper development of the leased land, should make application therefor to the officer in charge for the land desired. The application must be accompanied by affidavits from two or more persons familiar with the ground, that it is nonmineral, unoccupied, and necessary for the purpose of properly developing the lease.

"21. No prospector, locator, or mine owner shall keep stock of any kind on the lands leased except by permit at such rates as may from time to time be established.

"22. The provisions of the foregoing regulations shall apply to any Indian who has heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage his own affairs. Should Indians who have not been declared competent to manage their own affairs desire to obtain a lease of land the officer in charge of the reservation where the land is located will report all the facts in connection therewith, whereupon suitable instructions will be given as to the manner of procedure.

"23. On those reservations where unallotted Indian land may be leased for mining purposes under section 3 of the act of February 28, 1891 (26 Stat. L., 795), the provisions of section 26 of the Indian appropriation act of June 30, 1919, and the regulations herein prescribed shall hereafter govern the leasing of such unallotted land, so far as metalliferous minerals are concerned.

"24. These regulations shall take effect 45 days from and after the date of approval hereof, and shall be promulgated 20 days prior to their taking effect.

#### "FORM OF MINING LEASE.

"Mining lease of unallotted lands on ——— Indian Reservation.

"This lease, made and entered into in triplicate this ——— day of ——— 19—, by and between the Secretary of the Interior, party of the first part, hereinafter called the lessor, by reason of the authority vested in him in section 26 of the Indian appropriation act for the fiscal year ending June 30, 1920, and ——— of ———, State of ———, party of the second part, hereinafter called the lessee; witnesseth:

"1. The lessor, for and in consideration of the royalties, covenants, stipulations, and conditions hereinafter contained, and hereby agreed to be paid, observed, and performed by the lessee, doth hereby demise, grant, lease, and let unto the lessee for the term of 20 years with privilege of renewal for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the lessor, unless otherwise provided by law at the time of the expiration of such periods, from the date of signing hereof by the lessor, for the purpose of mining all the deposits of metalliferous minerals in or under the following described lands, to wit:

"——— containing ——— acres, more or less, the same being within said reservation, with the exclusive right to prospect for, mine, and extract the minerals above named and no others, and to occupy and use so much only of the surface of said land as may be reasonably necessary to carry on the work of prospecting for, mining, extracting, storing, and removing such minerals; also the right to obtain from wells or other sources on said land by means of pipe lines or otherwise a sufficient supply of water to carry on said operations, and the right to pass over and across said reservation for the purpose of said work.

"2. The lessee hereby agrees to pay or cause to be paid to the superintendent or other officer of the United States having jurisdiction over the leased premises, hereinafter called the officer in charge, for the use and benefit of the Indians of said reservation, annually in advance, a rental of 25 cents per acre for the first year beginning with the date of execution of lease, 50 cents per acre per annum for the second, third, fourth, and fifth years, and \$1 per acre for each succeeding year, all rent paid in any year to be credited on the royalty for that year if production begins therein.

"The lessee further agrees to pay as royalty on the production of ores and minerals under this lease a royalty of ——— per cent upon the net value of the output of the minerals at the mine, which is to be ascertained by deducting from the gross value of the ores and minerals the cost of mining said ores and minerals, the cost of concentration, of handling, of transportation, of shipping from the mouth of the mine to the works where the ore is treated, and the cost of milling, reducing, or smelting. It is understood and agreed that the cost of mining said ores covers only the cost of mining ores produced and brought out of the



mine during the month, and does not include the cost of prospecting or preliminary workings or of the mining plant. The lessee agrees to file with the officer in charge of the reservation within 20 days after the end of the month within which the minerals were extracted a sworn statement showing the amount of ore mined during the preceding month, cost of mining and extracting same, the amount of ore shipped or sold, and the amount received therefor. He also agrees to file with the officer in charge within 20 days after the reduction of the ores a duplicate of mill and smelter returns, and to pay all royalties under this lease monthly to the officer in charge of the reservation, or such officer or agent as may be designated by the Secretary of the Interior, payments to be made in cash or by certified check or other suitable form of exchange.

"There shall be expended annually in development work on each lease a sum of not less than \$5 per acre, the total annual amount to be not less than \$100.

"The royalties on all products mined under this lease shall be based on sworn reports and shall be paid within 10 days after the close of each month.

"3. The lessee shall immediately upon notification of the signing of this lease by the lessor proceed to develop and work said mineral deposits, and during the entire term of this lease he shall prosecute such mining operations on said lands to the fullest practicable extent, the state of the market being considered; and his neglect or refusal to conduct actual mining operations for a period of six months at any one time (unless exempted by the lessor) shall operate as a forfeiture of all his rights under this lease, and subject it to cancellation by an appropriate proceeding in the United States district court for the district in which the land or a part of it is situated. Within 20 days after the close of each calendar year he shall file with the officer in charge an annual report, verified by oath, showing the character and value of the development work performed and the gross output of his mining operations hereunder during the year; and within 20 days after demand by the lessor he shall file with the officer in charge of the reservation a sworn report, giving such information relative to his mining operations as may be demanded.

"4. The lessee shall at all times conduct operations in a workmanlike manner, protect all mines and deposits, and not commit nor suffer any waste upon the reservation; and if it be necessary to use any wood, stone, coal, or other material thereon, he shall first obtain written permission from the officer in charge and shall pay to him for the Indians the current prices for all such material taken. He shall take good care of the land herein described and not permit any nuisance to be maintained nor any intoxicating liquors to be sold or given away thereon for use as a beverage; he shall not use or permit the use of said lands and premises for any other purpose than as herein authorized, and at the expiration of this lease he shall return the same to the owners in as good condition as received, excepting for the ordinary wear and tear and unavoidable accidents in their proper use.

"5. The lessee shall keep an accurate account of said operations, showing the whole amount of mineral mined or extracted and all mineral shipped, smelted, used, or disposed of, the cost of such operations and the net value of the output of the minerals at the mine; and the officer in charge and other proper representatives of the department shall have the right at all times during the existence of this lease, and for six months thereafter, to make such reasonable examination of the papers and books of account of the said lessee, and of the mines, as may be necessary to obtain all information desired; and there is hereby created a lien on all implements, tools, movable machinery, and other personal chattels belonging to the lessee used in the said mining operations, and upon all minerals obtained from the land herein leased, as security for the monthly payment of said royalty.

"6. The lessee in selecting employees shall give preference, so far as practicable, to Indians of the reservation who may be able and willing to perform the kind of work required; and he shall not retain in his employ any person objectionable to the officer in charge of the Indians. With each annual report he shall furnish the names and addresses of his employees.

"7. The lessee shall not interfere with any personal or property rights or legitimate industry or occupation of the Indians without first obtaining consent in writing and paying proper compensation approved by the officer in charge; nor obstruct any road or trail now in use without permission of the officer in charge; and the right to cross the lands leased by the usual methods and in a manner not inconsistent with the mining operations herein provided for is reserved for the Indians; and all rights to make

and accept allotments within the boundaries of this lease of any lands deemed suitable for agriculture are hereby reserved.

"8. The lessee shall not, without the consent of the lessor, assign or sublet any part of the lands leased. He may, however, surrender the lease for cancellation with the consent of the lessor, but the lessee or assignee should surrender his copy of the lease to the officer in charge, and all royalties and other obligations due and accrued to date of completion of application for cancellation, in addition to a cancellation fee of \$1, must be paid and discharged before such application will be considered, provided that if the lease has been recorded the lessee or assignee shall execute a release, record the same in the proper recording office, and file the release with the officer in charge. An application for cancellation will be considered as completed on the date such application is filed in the office of the officer in charge, provided the foregoing requirements have been fully observed.

"9. In the event of failure or neglect of the lessee to perform any obligations under this lease, the lessor shall have the right at any time to cancel this lease by an appropriate proceeding in the United States district court for the district in which the land or a part thereof is situated, unless within 30 days after notice specifying the terms and conditions violated the lessee shall correct such failure and make good any loss caused thereby.

"10. This lease is made and accepted subject to existing law and any laws hereafter enacted as to said reservation, also to the regulations relative to such leases heretofore or hereafter prescribed by the lessor; and in no event shall the United States or the lessor be liable in damages or otherwise under the provisions hereof.

"The obligations and agreements hereinbefore expressed shall extend to and be binding upon the successors in interest of the parties hereto.

"11. Before this lease shall be in effect the lessee shall furnish a satisfactory bond with two or more personal sureties or with an acceptable company authorized to act as sole surety.

"12. No prospector, locator, or mine owner shall keep stock of any kind on the lands except by permit at such rates as may from time to time be established.

"13. It is expressly understood and agreed that there is reserved to the United States the right to lease under existing law or laws hereafter enacted so much of the surface of the lands covered by the lease as is not actually used or necessary for mining purposes.

"Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

"[SEAL.]

"Secretary of the Interior.

"[SEAL.]

"Lessee.

"Witnesses:

"\_\_\_\_\_  
"\_\_\_\_\_  
"\_\_\_\_\_  
"\_\_\_\_\_

"BOND.

"Know all men by these presents, That \_\_\_\_\_, of \_\_\_\_\_, as principal, and \_\_\_\_\_, as surety, are held, and firmly bound unto the United States of America in the sum of fifteen thousand (\$15,000) dollars, lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs, successors, executors, administrators, or assigns, jointly and severally, firmly by these presents.

"Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

"The condition of this obligation is such that whereas the above bounden \_\_\_\_\_, as principal, has heretofore or may hereafter enter into mining leases covering unallotted Indian land on the \_\_\_\_\_ Reservation, in the State of \_\_\_\_\_, of various dates and periods of duration, covering the lands described in such leases, which leases have been or may hereafter be, signed by the Secretary of the Interior, and the identification of which herein is expressly waived by both the principal and surety hereto.

"Now, if the above-bounden \_\_\_\_\_ shall faithfully carry out and observe all the obligations assumed in said indentures of lease to which \_\_\_\_\_ is now or may hereafter become a party, and shall observe all the laws of the United States and regulations made or which shall be made thereunder for the government of trade and intercourse with Indian tribes, and all regulations that have been or shall hereafter be lawfully prescribed by the Secretary of the Interior relative to mining leases covering unallotted Indian land on





Mining lease No.	Level.	Dimensions.	Labor.	Value.	Comment.
Shaft sinking.....					
Station cutting.....					
Drifting.....					
Cross cutting.....					
Winning.....					
Railing.....					
Chutes.....					
Manways.....					
Pumps.....					
Air lines.....					
Water lines.....					
Track.....					
Powder magazines.....					
Bulkheading (not in ore).....					
Bulkheading (in ore).....					
Gob filling.....					
Miscellaneous.....					

<sup>1</sup> Gob filling is necessary to hold ore bodies of size; must be done where necessary, but is not considered development.

“(Name of lessee.)”

“(Signature of person sworn.)”

“(Capacity in which he is sworn.)”

“Subscribed and sworn to before me this — day of —, 19—.”

“(Notary Public.)”

“My commission expires —, 19—.”

#### “INSTRUCTIONS AND EXPLANATIONS.”

“1. A separate report must be submitted for each lease.  
“2. The report must be in the hands of the superintendent or other officer in charge within 20 days after December 31 of each year the lease is in effect.

“3. The report must be submitted for every year during the life of the lease, regardless of whether or not mining operations are being carried on.

“4. ‘On hand’ should show the total tonnage unpaid for at the date of the report, including that remaining in the smelter, on the way to the smelter, and in the bins.

“5. ‘Total shipped’ should show separately each shipment made during the year on which separate payments of royalty were made, and separate royalties should be shown in ‘Royalty paid’ column. All royalty should be paid promptly.

“6. Any classification not included in this form may be added. If added on separate sheet, separate sheet must be made a part of this report and attached to same. Separate letters will not be considered part of the report.

“7. The report must show all development work done during the period for which rendered, as reports may be compared with your workings at any time between reports.

“8. Show clearly the dimensions of the workings, together with starting and ending points. Make these brief but accurate. Submit plats where practical. Include all permanent surface workings as development.”

SEPTEMBER 10, 1919.

The foregoing regulations and forms are hereby approved.

CATO SELLS.

Commissioner of Indian Affairs.

Approved September 16, 1919.

FRANKLIN K. LANE,

Secretary of the Interior.

#### SPEECH OF HON. WILLIAM J. BRYAN.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the Record a recent speech of Hon. William J. Bryan, delivered at Washington, D. C., or, rather, I should say, an abstract of the speech.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

#### THE LEAGUE OF NATIONS.

[Abstract of speech delivered by Mr. Bryan at Washington, D. C., Sept. 24, 1919.]

“Mr. Chairman, before taking up the treaty or the covenant of the league of nations I venture to express my gratification that we are about to abandon the old doctrine of conquest and enter upon a new era in which the taking of territory by force will not be permitted. Objection has been made that it will prevent the doing of things that we have commended in the past. All progress is a repudiation of the past. Our Nation, like other nations, has taken territory by force of arms, as, for instance, in the War with Mexico New Mexico, Arizona, California, Nevada, Utah, and part of Colorado were ceded to

us as a part of the settlement. But shall we refuse to turn over a new leaf because we have in the past employed the old ways?

“As late as 1898, in the War with Spain, we took Porto Rico and the Philippine Islands. Is that any reason why we should stand out against article 10, which preserves for the future the integrity of nations, large and small? And, speaking of the Philippines, it is interesting to note the change that has taken place in the opinions of those who favored the holding of the Philippines. Senator LODGE, for instance, made a speech on the 20th of June, 1900, as permanent chairman of the Republican convention, then being held in Philadelphia, in which he defended the holding of the Philippines. He stated:

“We make no hypocritical pretense of being interested in the Philippines solely on account of others. While we regard the welfare of those people as a sacred trust, we regard the welfare of the American people first. We see our duty to ourselves as well as to others. We believe in trade expansion. By every legitimate means within the province of government and legislation we mean to stimulate the expansion of our trade and to open new markets. Greatest of all markets is China. Our trade there is growing by leaps and bounds. Manila, the prize of war, gives us inestimable advantages in developing that trade. It is the corner stone of our eastern policy, and the brilliant diplomacy of John Hay in securing from all nations a guaranty of our treaty rights and of the open door in China rests upon it. We ask the American people if they will throw away these new markets and widening opportunities for trade and commerce by putting in power the Democratic Party, who seek under cover of a newly discovered affection for the rights of man to give up these islands in the East and make Dewey's victory fruitless.”

“Senator LODGE spoke rather harshly of the doctrine of ‘the rights of man’ at that time. He put our commercial interests above the welfare of the Filipinos. He did not even promise that the islands would be turned back, and 16 years later he voted against the Jones bill granting autonomous government and promising independence. As the President points out, he did not protest against the taking of Shantung by the Germans; he did not protest the taking of other lands from China by other nations. He has certainly traveled a long ways if we can judge by his criticism of the Shantung provision in the treaty, even though Japan promised to return the land to China. My answer to this criticism is that it is better for China to trust her case to the league of nations than to risk the chaos that might follow if the treaty was not ratified by the United States or even if long delay preceded ratification.

“The first question to be decided in considering the league of nations is whether it is desirable to prevent war. I take it for granted that few will answer in the negative. Then comes the question, Is it possible to prevent war? If not, then the promises held out by the league are futile; but a large majority of the world to-day believe that it is possible to prevent war, and this is the real issue presented by the league of nations. It is the doctrine of Christ against the teachings of Nietzsche. The latter regarded war not only necessary but desirable; Christianity holds out the hope of universal and perpetual peace.

“If peace is desirable and possible it is fair to inquire whether the covenant of the league of nations is calculated to bring peace. I believe it is. The investigation of all questions before war, with nine months' time for deliberation, will in itself make war almost impossible. The President describes this provision as ‘the heart of the covenant’ and calls attention to the fact that no Senator has yet attacked this provision. It is taken from the 30 treaties that bind us to three-quarters of the world. The treaties were ratified by our Senate without opposition. No objections were then made to the surrender, for one year, of our right to declare war, and no one then doubted the value of the treaties as a means of insuring peace.

“The reduction of armaments is another long step toward peace and the abolition of secret treaties gives additional assurance that future difficulties will be settled without resort to arms.

“Objections have been made and reservations proposed. The right to withdraw at the end of two years greatly reduces the force of all objections made. If that provision is not sufficiently specific, the defect can be cured at the first meeting of the league and surely the provision gives us sufficient protection until that effort is made.

“I can not agree with those who think that the Monroe doctrine is in danger. The language of the covenant is so clear on this point that there is no possibility of an attempt on the part of other nations to interfere with us.

“Article 10 seems to be the center of the fight. It pledges the members of the league to protect the territorial integrity of each

against external aggression but the council only advises as to the use of force; it does not compel. And besides, the council acts by unanimous vote and we, being in the council, can veto any action that we do not approve. If it is desirable to make this reservation more specific the matter can be presented at the league when the league meets; our veto power will certainly protect us until then.

"The reservation of each nation's right to attend to its own affairs is sufficient; it does not need strengthening.

"A great deal is said regarding the large representation given to Great Britain. I am not prepared to defend the inequality in representation, either in this case or in some other cases, but here again our veto power protects us from any possible harm, and when the league meets we can ask to have the representation equalized.

"In every case where a reservation is urged as a part of the ratification I will make the same answer. A change can be made as easily after the treaty is ratified and the league established as it can now, except on the theory that we can secure by threats what we could not secure by persuasion, and that theory is destructive of the spirit which must underlie the league, if it is to be a success. Every change desired can be made afterwards without the risk that is involved in an attempted change at this time.

"Each nation has the right to decide upon the method of selecting its delegates, and each country can select them in such a way that they can be instructed as to the position they shall take on any important question that arises. If desired, provision can be made for the delegates to consult Congress or even the whole people by a referendum. We have it in our power to protect ourselves to the fullest extent, and, therefore, do not need to delay the ratification of the treaty or to adopt reservations that would require action on the part of other nations.

"And I beg you to consider the possible results of delay. The treaty is a compromise, each nation surrendering some of its contentions. If we ratify with reservations upon which other nations must act, what reason have we to believe that they will accept these reservations without asking changes themselves? And who will say when an agreement can be reached? Who will protect the world from the calamities that delay might invite? If Senators were dealing with their own affairs they might be willing to take chances, but is it not a more serious responsibility when their action may bring unspeakable injury upon their country and the world which they are powerless to repair? Nero has been held up to scorn because he 'fiddled while Rome burned,' but the burning of Rome is not to be compared with the possible conflagrations that may burst out anywhere at this time. Why take incalculable risks of delay when the covenant gives us protection, at least for a time sufficient to enable us to secure such changes as we may desire? We have the privilege of withdrawing if, after the league is established, we feel that we are not sufficiently protected or the league does not fulfill our hopes.

"The President has done the best he could, and, considering the difficulties he had to meet, he has done better than we had any reason to expect. We have no right to expect a plan perfect in its details. We do not choose between perfection and imperfection. We choose the best alternative presented. The Bible tells us of a leper who sat at the gate of a besieged city when the people were reduced to the point of starvation. One morning he thus reasoned with himself: 'If I stay I die; if I go to the camp of the enemy I may live.' That is the alternative which confronts us to-day. We must go forward with the league of nations and take whatever risks the step may involve or turn back to chaos and to certain wars. I believe the American people will go forward and do their part toward making the war out of which we have come the last war to redder the earth with blood."

#### LEAGUE OF NATIONS.

Mr. HITCHCOCK. I also ask to have printed in the Record a brief editorial from the St. Louis Post-Dispatch showing the overwhelming sentiment of the recent convention of bankers held in New Orleans in favor of a league of nations.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch.]

#### "BANKERS ON THE TREATY."

"The Post-Dispatch's poll of the delegates to the convention of the American Bankers' Association on the question of ratifying the peace treaty is interesting. The 874 ballots cast showed 442, a slight majority, in favor of ratifying the treaty in its present form; 308 for interpretations, provided they did not require reopening of negotiations with Germany; 84 for

amendments, regardless of whether they necessitated another conference; and 40 flatly opposed to the treaty.

"How accurately the judgment of bankers reflects public sentiment may be debatable. There is no question, though, that the banker of to-day is in closer touch with his community and is more nearly representative of his community's sentiment than was the banker of yesterday. Like every other business, banking has been humanized. It has cast off that icy mantle of reserve which once enveloped it and now wears the regiments of the day's work.

"The tally of this unofficial poll, disclosing a more than three-fourths majority in favor of a ratification which will be acceptable to the Allies, and which will end the war, may not be conclusive, but as a straw vote it goes far to confirm the belief that the American people are overwhelmingly for peace.

"If the Senate has its ear to the ground this expression of the Nation's bankers ought to be an instructive message."

#### DISPOSAL OF SUPPLIES IN FRANCE.

Mr. SHERMAN. The Washington Post of October 11, 1919, this morning, contains an article on bargains in food and clothing offered Europe by Secretary of War Baker. I ask leave to present it and have it printed in the Record at length, and without reading.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

"GETS FOOD UNITED STATES NEEDS—EUROPE STILL BEING OFFERED BIG BARGAINS BY BAKER—KEEPING UP COST AT HOME—COMMITTED ON WAR DEPARTMENT EXPENDITURES COMPLETES DETAILS OF ITS REPORT ON SALES TO FRANCE AND OTHER COUNTRIES—MEAT AND CLOTHING CONTINUE TO BE INCLUDED.

"How France drove a bargain with the United States which netted it a huge profit, amounting to more than \$1,000,000,000, and how this profitable transaction helped to keep up the cost of living, is contained in the report which the Committee on Expenditures in the War Department will make to Congress.

"The report also will show it to have been the policy of Secretary Baker to avoid disturbing market conditions in America by selling surplus food supplies abroad. The present shortage in sugar receives exemplification by the pointing out that among war supplies turned over to the French for a low figure were 22,000,000 pounds of sugar.

#### "PROFIT OF MANY MILLIONS."

"For the supplies sold the French the United States received \$400,000,000. The supplies were valued at \$1,759,000,000. The thrifty French also insisted upon including in this transfer the docks, railways, and equipment built by the American Expeditionary Forces in France, valued at \$180,000,000, making the value of what they obtained something more than \$2,000,000,000, for which they paid \$400,000,000.

"These startling facts are found in the minutes of the liquidation commission, of which Judge Edwin B. Parker, of Houston, Tex., an appointee of Col. House, was chairman. These minutes show that the Secretary of War expressed the opinion that no property or materials not needed by the Army for consumption in the United States should be returned to the United States, and that in no event should any clothing, food supplies, or engineering equipment be returned, but that all such commodities, as the same became surplus, should be disposed of by the commission in Europe to the best advantage."

#### "SOME SUPPLIES SENT ACROSS."

"Among the supplies that were so disposed of were the following: Twenty-two million pounds of sugar, 74,000,000 pounds of bacon, 6,000,000 pairs of shoes, and 1,900,000 blankets.

"Placed in values of money, the articles so disposed of amounted to \$259,000,000 of food, \$323,000,000 of clothing, \$310,000,000 of automobiles, and \$352,000,000 of hospital supplies.

"All of these articles were sold to the French for \$400,000,000, and the value placed on them in reaching the totals was lessened by an allowance for depreciation despite the fact that since the time they were bought, the prices of all these articles had greatly increased. Dock supplies and other permanent equipment were thrown in for good measure.

#### "MORE THAN MILLION POUNDS OF BUTTER."

"The report will also show that in addition to the sale of all these foodstuffs and other articles in France, the Secretary of War, in addition, informed Judge Parker and the liquidation commission that there was a huge amount of foodstuffs in the United States, and named C. W. Hare, of director of sales, to dispose of them in Europe. This supply consisted of 38,536,000 pounds of bacon; 39,000,000, roast beef; 36,000,000, corned beef; 20,000,000, corned-beef hash; 39,000,000 cans baked beans; 42,000,000, tomatoes; 42,000,000, string beans; 38,000,000, corn; 32,000,000, peas; 27,000,000 pounds of sugar; 5,250,000, oleo-margarine; and 1,250,000, butter.



"These supplies, the report will show, Mr. Baker wishes transported from the United States and sold in Europe, presumably on the same basis that the goods were sold to the French.

"HARE'S SALARY FOR TIME \$25,000.

"Mr. Hare took with him a large corps of assistants, and was receiving a salary of \$25,000 a year until Congress cut it down to \$12,000.

"In addition to this, according to the forthcoming report, a sale of \$25,000,000 worth of foodstuffs and clothing was made to the Belgian Government in 1918. These were shipped from the United States instead of being taken out of the surplus stock in France.

"These supplies consisted of the following: Four hundred and twenty-two thousand overcoats, 412,000 trousers, 300,000 felt shoes, 165,000 leggings, 1,100,000 heavy woolen socks, 36,000 khaki coats.

"The report will show it was the policy of the Secretary of War that nothing should be done to reduce the cost of living in America by disposing of these articles here, until Congress acted, by quoting from the minutes of the same liquidation commission the following:

"The Secretary of War pointed out that the War Department had on hand in the United States large surpluses of raw materials, supplies, and equipment, of which there was only a limited market in the United States, and said these surpluses should be disposed of in Europe."

Mr. SHERMAN. I ask unanimous consent for a minute or two to make a statement in relation to this matter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. Mr. President, the liquidation commission shows that \$1,759,000,000 worth of supplies in France have been disposed of there for \$400,000,000. Dock supplies and permanent equipment were thrown in as a bonus in the sale, making the actual value transferred nearly \$2,000,000,000. C. W. Hare, director of sales, further shows that a huge amount of foodstuffs and clothing, surplus military supplies, are now in the United States. Mr. Hare has been designated as manager to dispose of these surplus lines in Europe. The report, according to the House Committee on Expenditures in the War Department, recites:

The Secretary of War pointed out that the War Department had on hand in the United States large surpluses of raw materials, supplies, and equipment of which there was only a limited market in the United States, and these surpluses could be disposed of in Europe.

The quotation so reported by the committee is an extract from the minutes of the liquidation commission.

Just now, when housewives can not buy a pound of sugar in Washington, when prices are increasing beyond the reach of ordinary incomes, when fruit can not be preserved for lack of sugar, it will interest a long-suffering public to read that among surplus Government supplies in the United States proposed to be sold in Europe there are 27,000,000 pounds of sugar, which will be shipped from this country and placed upon the market in Europe. There are likewise many million cans of vegetables, a vast quantity of felt shoes, woolen socks, and other articles of clothing. In meats it will be interesting to observe that 39,000,000 pounds of bacon are recommended to be turned away from our market and sold abroad; over 5,000,000 pounds of oleomargarine and 1,250,000 pounds of butter. As if the foregoing were not enough to arouse the average American's interest, the liquidation commission further shows a sale of 22,000,000 pounds of sugar surplus in France, 74,000,000 pounds of bacon, 6,000,000 pairs of shoes, and 1,900,000 blankets. Our transports are not loaded at this time, and there are other facilities by water to return them to this market.

The report further shows, quoting from the minutes of the liquidation commission, that Secretary Baker announced the policy of selling all surplus food supplies abroad and not returning them here, as it would disturb market conditions existing at this time in our own country.

The prices referred to, I wish to say in conclusion, are the existing level of prices which I think ought to be disturbed and must necessarily be disturbed if any relief comes to the consumer. We have been investigating for some two months prices in Washington and vicinity, and if any relief comes there must be a lowering of prices to levels which the sale of these commodities in the United States would tend to produce.

Mr. POMERENE. Mr. President, a moment ago some reference was made by the Senator from Illinois [Mr. SHERMAN] to the subject of sugar and its sale abroad. I have had occasion to make some inquiry about this matter, and I have here before me a letter which I received this morning from the United States Sugar Equalization Board, now located at 111 Wall Street, New York City. The charge has been made that sugar has been sent

abroad by the Government of the United States from the United States. Without taking the time to read the letter, it discloses the fact that when the supply of Cuban sugar was bought, probably a year or more ago, there was some arrangement with foreign Governments that a certain portion of that sugar should be sent abroad. That sugar was refined in this country and the refiners were under contract to send it abroad. This is explained fully in the letter, and I ask that it be incorporated in the Record for the information of Senators. I do not care to take the time to have it read.

The VICE PRESIDENT. Without objection, the letter will be printed in the Record.

The letter is as follows:

UNITED STATES SUGAR EQUALIZATION BOARD (INC.),  
New York City, October 9, 1919.

HON. ATLEE POMERENE,  
United States Senate, Washington, D. C.

DEAR SIR: We have your valued favor of October 8. We regret greatly the many complaints being received about the difficulty of getting sugar. The situation has developed not so much through an insufficient supply as from an inordinate demand. The country, according to our figures, from the 1st of January to the end of September, consumed this year 3,263,000 long tons of sugar against 2,661,000 long tons a year ago—an increase of about 602,000 long tons. This increase was entirely unexpected and is mainly responsible for the present scarcity.

The information given you in respect of exportation is not quite correct. When the equalization board bought the Cuban crop it resold to the Allies one-third of the purchase. Of this one-third the royal commission on the sugar supply arranged to have refined here 500,000 tons of raw sugar on toll. There was no objection to this, inasmuch as it kept American industries and labor employed. This is practically the only sugar that is now being exported. On the 1st of July we asked the refiners to suspend all export sales, which request has been complied with. There were, however, some contracts made prior to that date for shipment to the Allies and neutral countries. These contracts, having been made in good faith, are legal and binding on the refiners and must be lived up to. The amount, however, is small and, in our opinion, not enough to affect the American people.

In regard to your inquiry as to what the Government has done to secure the Cuban supply for the coming year, we respectfully refer you to the hearing at Washington last Friday before the Subcommittee on Agriculture, and also to the bill which, we understand, has recently been introduced by Senator McNARY.

If you desire any further information, please have no hesitancy in asking us for same.

Yours, very truly,

U. S. SUGAR EQUALIZATION BOARD (INC.),  
By GEO. A. ZARRISKIE.

Mr. SMOOT. Mr. President, I desire to say just a word in connection with the matter referred to by the Senator from Ohio. I was informed by one of the leading sugar men of the United States the other day that Japan had purchased most of the Hawaiian sugar crop for this year; in other words, that the extra large crop raised this year will be taken away from the American market and the sugar product of the Hawaiian Islands sent to Japan or wherever Japan directs that it be shipped. If that be the case, I wish to say now that the shortage of sugar in the United States will continue at least until the crop of 1920 is manufactured.

Mr. LODGE. The Hawaiian sugar crop, I think, amounts to over 600,000 tons.

Mr. SMOOT. Last year it was the largest in the history of the islands.

Mr. LODGE. And heretofore this country has had it all.

Mr. POMERENE. I simply presented the letter because it gives the facts from the viewpoint of the United States sugar administrator. I understand the subject is now being investigated by a committee of the Senate, and I thought the public would be interested in the letter.

Mr. SMOOT. I think the Senator's action is very wise. I wish to say, however, in this connection that there is no doubt that an agreement was made between our Government and European powers as to the division of the Cuban sugar crop of 1918. There is no question as to that; but a condition developed in this country, I think not to exceed two months ago, to which I called the attention of the Senate at the time, namely, that certain sugar merchants were purchasing sugar in the United States from that portion of the Cuban crop which was to come to the United States and exporting it and making a dollar a hundred pounds. That came about from the fact that the world became aware that there was going to be a shortage of sugar, and there developed at once trading in sugar, with a profit, as I am told, on the part of many of the merchants exporting it of \$1 a hundred pounds. I called the attention of the Food Administration to that fact, and they promised me that such exportations of sugar should cease, and I understood that they have ceased.

Mr. GAY. Mr. President, the Senator from Utah [Mr. SMOOT], in discussing the shortage of sugar, stated that he had been informed by some of the leading men in the United States that the Japanese Government had purchased the Hawaiian sugar crop. At the time he made that statement I felt sure

the Senator was in error. I have since communicated with one of the leading authorities on sugar, Mr. Sidney Ballou, who is the attorney for the Hawaiian sugar planters, and he tells me that it is a mistake; that the Hawaiian crop has not been purchased by the Japanese Government; that it will come to the United States, as usual; that it will amount to about 600,000 tons, and will be refined in the California-Hawaii refineries on the Pacific coast.

The impression that the Japanese Government had purchased the sugar crop of Hawaii was probably gained by the Senator from Utah from an article published in a paper called "Sugar," which intimated that the Hawaiian as well as the Philippine crop would go to Japan. It is a fact that the Philippine crop will go to Japan. Very little of that crop has been coming to this country. But the usual amount of Hawaiian sugar, in fact probably more than the usual amount, will come to the United States.

Japanese merchants have recently been in Hawaii buying sugar in retail quantities and shipping it to Japan. That probably is another reason for the rumor.

I merely make this statement in order to get the facts correctly before the Senate.

ADDRESS OF HON. JOHN WOODWARD.

Mr. LA FOLLETTE. Mr. President, I have before me an address delivered by Hon. John Woodward, justice of the appellate division of the third department, at the Albany (New York) Law School on Wednesday evening, September 17, on the league of nations and the Constitution of the United States. I asked to have it printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Knickerbocker Press, Sept. 21, 1919.]

THE LEAGUE OF NATIONS AND THE CONSTITUTION.

(An address by Hon. John Woodward, justice of the appellate division, third department, at the Albany Law School, Wednesday evening, September 17, before the students of the school and the members of the bar, on the subject of the League of Nations and the Constitution of the United States.)

"This is Constitution day, and all over this country people are meeting to learn and to exchange views about that sacred instrument, which has been to us a charter of liberty and a guide to good government, and it is thought that a day given over to this may be beneficial to our understanding, to our patriotism, and to our love and confidence in our country and its institutions. And I am willing to do my part the best I can before an audience of this character to make the day one worth while.

"I feel some embarrassment in addressing a student body. I have none in addressing my associates who are present on this subject. I know their limitations as well as they know mine.

"The Constitution of the United States was a growth, and it grew out of conditions that never prevailed anywhere else in the world. To be brief about it, the 13 Colonies declared their independence, having already elected a Congress which had control of their joint government. That Congress was a revolutionary body and not bound by any very strict, hard, and fast rules, and such bodies never are. Time went on, independence was achieved, a treaty of peace signed, and the 13 Colonies at war with England each became a little separate country, 13 little Englands planted on this continent, each absolutely independent of the other, each a nation.

"Now, for their mutual protection and defense they decided to continue their alliance which had existed during their long war, and they continued it under the Articles of Confederation, and their government was a government by a legislative body. That government was not a success, because it was a mere voluntary league without any force anywhere to compel any member of the league to do anything that it was asked to do by the league. They could request the various States to contribute funds to pay the old war debt, or to meet the current expenses of the government, and New York could refuse, and Rhode Island could do the same, and any other State could do the same, and there was no force to compel them to do otherwise. So the government was a failure, and then followed the great convention of 1787, over which George Washington presided, and which created a more perfect union.

"Now, if I may diverge a little, government is an evolution, and it is a science, and it is based on well-established principles. The first government that we know anything about, or that the antiquarians pretend to know anything about, was the government by a chief, the government of one who had the power over life and death and of the disposition of the property of each member of the tribe; and so, according to Mr.

James C. Carter, whose book I commend to you as the best one I know of on this subject, that government continued with us until the people of the tribes began to discover that the chief did not always do right; that he sometimes punished people and sometimes took away their lives and sometimes deprived them of their property and the results of their labor, like the rabbit they had killed for their dinner or their weapon that they had forged for defense; and he took them when he hadn't any right to, and when the subject punished had not done anything in violation of any of the rules and customs of the tribe. And so these people, with their dawning intelligence, said, 'It isn't fair to punish a man who hasn't violated the customs of the tribe,' and there should be somebody to say whether he has or not before any punishment can be meted out by this chief—this executive—who had been ruling. And so there followed the selection of arbitrators in the tribe; and when one was charged with having violated any of the customs—they had no laws, because they had no way of preserving them—he was first placed on trial before the arbitrators and proof was taken as to whether or not he had violated a custom of his tribe. If he had, he was punished; if he had not, then the chief could not administer any punishment. That was the first court; and the court was the second branch of government that was recognized. Then intelligence increased and men learned how to reduce their thoughts to writing and to preserve them; and then they thought best to have their laws preserved in ways that people could know what they might do or what they might not do. Then came the legislative branch of the government that prescribed the rules of conduct, prohibiting what was wrong and permitting what was right. So then there came the scientific government, composed of three branches, the executive, the judicial, and the legislative, and from that early period no civilized government has existed that has not had those three branches. So these 13 States at the Constitutional Convention assembled, through their representatives, desired to make a constitution to govern not the local affairs of the various States that made up the league, but to govern the league itself; and so they provided for somebody to make the rules of the league—the laws of the league—and that was the Congress. Having provided for a Congress to make the laws and rules of the league, there was to be somebody to interpret those laws and rules of the league, and that was the Federal court. Then, having done that, there had to be somebody to administer those laws, and that required an executive officer, and resulted in the creation of the office of President, as the Chief Executive, to execute the laws, not of local affairs but of this league.

"Now, there was no way for the officers of this league to execute the laws of the league without it had power and force behind it, and there never was any way for any government to execute its laws and enforce its decrees except through force; and that necessitated that the league should have an army and navy with which it could enforce its decrees, and that was created, and the Federal Government became a Government in fact, a Government of power, a Government with force to perpetuate itself.

"I have to be brief in sketching these things, but now we come to the great subject of the present time, the league of nations, and I am not here as a disputant or an advocate of one or the other side in a partisan spirit, because I remember the admonition of my old friend, Judge Bartlett, when I used to sit with him in court. He said it wasn't the business of a judge to engage in disputes, but to settle and adjust them. But it is proposed now that this war is over that we enter into a league of nations, and the advocates of the league of nations point to the success of the American union as an example and reason why a league of nations can be successful.

"Now, if you have a league of nations you have to have the same kind of a Government that you had to have when you had a league of nations in the United States, by putting the 13 independent colonies or States together. And when you get your league of nations, no matter what power is vested in it just now, or what the arrangements of its officers are, eventually it is a Government, and it is a Government made up of independent States, the same as the United States of America was made up, and they must have somebody to make the rules of this league of nations. And when they get somebody to make the rules of the league of nations, they must have somebody to interpret those rules, and they will have a power corresponding to our Congress to make these rules or laws, and they will have a body corresponding to our Supreme Court to interpret the rules of this league, and then they must have the indispensable thing, an executive to enforce the decrees of this league of nations, and the only way that that executive branch



of this new Government can enforce its decrees is to be backed by an army and navy, the same as the United States of America has been backed by an army and a navy, so that when they make a decree they can enforce it on the world.

"Now, when the Federal Union was formed there were two distinct views existing about the rights of the various States of the Union to withdraw from the new league which they were entering if they should see fit, and, to be entirely fair about the matter, there were probably what you might call two correct views diametrically opposed from the beginning, one side having the belief of one school, and the thinkers on the other side of another school. So it went on and a man prided himself on living in Virginia, or being a New Yorker, or a Massachusetts man, and the local pride of these people was strong, and at varying times and on varying questions nearly every section of the country asserted the right to withdraw from this league if it wanted to. They said it was but a compact, and a part of the compact was the right to withdraw. There came a time in 1860, after the election of President Lincoln, when a large section of the Union, relying on what it believed to be part of the compact which permitted them to withdraw, decided that they would withdraw from the league, and so they gave notice to that effect, and that notice to withdraw was met by force by the great central Federal Government, and they were not permitted to withdraw, and a long and bloody war followed to compel them to stay within the league which they had entered, and the force and power of the Federal Government kept them there until now it is no particular credit to be a citizen of Massachusetts, or a citizen of Virginia, or a citizen of any other State of the Union, or whether a man hails from Montana or from South Carolina. The States are a mere subdivision of the country, like the counties.

"Now, you may say that has all worked out very well, and doubtless so far it has in this country, but this was a homogeneous people, speaking the same language throughout and accustomed to the same laws, with wide areas of territory yet unsettled so that they could expand, and so the country has gone on until it has a great central government located at the national seat of government and not at the several State seats of government. And so when you have a league of nations into which is incorporated several of the nations of the earth you can not have it without you have a government, and you can not have a government that is of any consequence that is not stronger than any one of the parts of that government. And this big central government never can be anything without great armies and navies, and from its seat on Lake Geneva or some distant point it shall pronounce its decree or decide upon a particular course. If the United States of America should say we do not approve of this thing that you want to do, we want to withdraw from the league of nations, the league of nations, just as surely as the sun rises, will make the same answer to the United States of America that the United States of America made to the Southern States when they sought to withdraw. It will say you can not do so, and if you try to do it you will face the British fleet and the German fleet, or the German fleet and the French fleet, and the fleets and the armies of the balance of this league, who will keep you in it. So I say that when you decide to enter a strong league of nations you should realize that you are submerging your own nation in this league and giving it up and giving it a second place in your patriotism, and that your main government will hereafter be the great central government of the league.

"I do not know whether I have made myself clear or not, but that is why I am not in favor of a league of nations. I was raised probably under the old school of thought, and I love my country. I think its aims and purposes and objects and direction of its travel are different from those of European countries, and I think that a union with European countries such as is contemplated can only reduce our standing to the average of all the world. I can only believe that we are establishing in a distant point a great and powerful government which has more power over the citizen than any government that we desire to have over us. You see the great beauty of our Government so far has been that locally we have attended to our local affairs, and you will have to go through a period of war, such as you young men have seen, to find what it is to have a great central government to take charge of your affairs and submerge your State and govern your individuality and have distant agents in your neighborhood enforcing your laws and spying upon you—I am not complaining of their doing it in times of war, but I mean to say that is what it is, that the officers placed over you by this distant government, distant center of power, are strangers

to you, and you come to an imperial state, and you shake off your democratic state.

"I heard Dr. Jackson, of Washington, who is traveling over the country speaking in favor of the league of nations, and who is a delightful gentleman. In speaking of this subject he said those things are all different now, and public opinion will control. Now, I do not advertise myself to be a great scholar, but I have read some, and I do not think the human mind, or human nature, has altered much since history has been recorded or since literature has been provided us, and you young men, who have recently read Horace, or Homer, or Aristotle, or any of the ancient philosophers, did not find any trouble in understanding them. They spoke a language and of affairs that you perfectly understood, and you felt that if you were to meet any of those gentlemen you could engage in conversation with them, that you spoke a like language, and there was not much difference in the human mind of then and now.

"Herbert Spencer says that laws and governments are evolutionary, and that we reached certain states because of evolution, but William H. Mallock, in his great book, *Aristocracy and Evolution*, contends to the contrary as to the evolutionary forces and says that the great events of all history are shaped more by great men than by evolution, and that you never could have had the Cromwellian period in English history without Oliver Cromwell; that you never could have had a Napoleonic period in France without Napoleon Bonaparte, because in each instance as soon as the central figure was gone the cause collapsed, and that the American colonies never could have secured their independence but for George Washington, and no evolution could have brought it about. They say that Napoleon Bonaparte's aim was a world dominion or empire, and that William II of Germany aimed at a world empire, and those who are promoting a league of nations are, I think, preparing the world for some future Napoleon Bonaparte, or some future William II, by furnishing him with a complete outfit, a complete government to subjugate and to take control of and through it rule the world in imperialistic fashion. I may be mistaken about this, but I offer it as my humble contribution to this day's discussions. You young men have a great many more days ahead of you, if you live your lives, than I have ahead of me, because mine is nearer lived out, and you have a Constitution which you ought not to understand in any misty sort of way. You ought to have a clean-cut idea of just what was tried to be accomplished by this Constitution, and have it in words that are spoken by plain men, and not encumbered with so much learning that you do not know what you have read after you have read it.

"The Constitution of the United States, when it was adopted by the States, omitted certain provisions that it was thought by the patriots and lovers of liberty at the time should have been incorporated in it, and so, in order to induce its adoption there was a tacit understanding, or gentleman's agreement, that the Constitution would be at once amended so as to incorporate the things that had been left out, and the first amendment adopted was as follows: 'Congress shall make no law \* \* \* abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.' Now, that meant something. When John Adams was the representative of this country in France, during the Revolutionary War, he wrote a letter to the president of the Congress at home commenting upon a speech that had been made in the British Parliament, in which he defined our understanding of free speech and a free press in the United States, and this during a war, and he said we have the freest press and freest speech in the world. We criticize Congress, the president of the Congress, the magistrates, the generals of the Army, the Army itself, and the measures of our Congress freely, and yet, he said, I have never heard any such suggestion as made by this member of the British Parliament.

"That continued to be the understanding of what free speech was down to the Mexican War, and during the Mexican War, with our armies in the field and Gen. Taylor leading his troops over the Rio Grande, there was great opposition to the Mexican War in this country, and a great meeting was held at Lexington, Ky., which was presided over by the great Henry Clay (during a war), and Henry Clay stated at that meeting this is an unjust and unjustifiable war of aggression, and it ought to be stopped. He said we are not fighting for our altars and our firesides, but the Mexicans are fighting for theirs. And at the close of the meeting resolutions were adopted calling for an ending of the war, and asking like-minded people throughout the United States to hold meetings and pass similar resolutions to try to stop this war, and they held them. In the city of Boston Charles Sumner was the principal orator, and he made a speech denouncing the Mexican War, and in Congress Abraham Lincoln and Daniel Webster made similar speeches, and nobody



thought these people were guilty of sedition. Everybody thought they were within their rights, and the understanding of the Government was that the people had a right to discuss the matters involved in a war, as much as they had a right to discuss anything else. Judge Cooley, in his work on constitutional limitations, says it is a more sacred right to be able to discuss public questions during a war than it is during peace time.

"Now, such was the law, such was the understanding of these constitutional provisions, down to the Civil War, and during the Civil War arbitrary arrests took place, and the imprisonment of men in Fort Lafayette caused a great deal of criticism, but it produced no judicial interpretations which justified arbitrary action on the part of the executive authority.

"Then came this war, and the sedition act was passed, by which it was sought to prevent people discussing war measures adversely to the Government. Men were indicted and placed on trial for saying that they did not believe in a conscript army, or that they believed that the conscription law should be repealed, or that in their judgment the only sort of an army that should be raised in the United States was a volunteer army, and when the case was made out against them the district judge, in some cases, held that the citizen was within his rights, and dismissed the indictments. Then, to meet these decisions, Attorney General Gregory prepared an act, which Congress passed, which provided that an utterance of that character might be submitted to a jury, for the jury to say whether or not the effect of such utterance would tend to interfere with the draft or discourage enlistment, and if the jury said it would do that, then it was sedition, and the person who said the things could be convicted, although guilty of no overt act against the Government, and guilty of nothing except the expression of his opinion about pertinent questions during a period of war. Through such convictions hundreds of citizens were sent to prison. Many are there now, and others are out on bail. I do not say this to criticize the Government.

"I am only telling you the facts, so that you may know exactly the conditions under which you live in this respect. And it is not going too far to say that the right of free speech during war has been abrogated in this country, and it is undoubtedly true that our Constitution has been limited in such a way that there is no longer a right of free speech in war time. It will be for the men of your generation to say whether society is so constituted that the privilege of free speech can not be safely given to the people, either in war or peace, for at the present time, in the effort to suppress the disseminators of certain political doctrines, it is proposed seriously to limit the freedom of speech in times of peace. I do not say that they ought not to be deprived of it to some extent, or that limitation should not be placed on it, but it ought to be done with a perfect understanding of what is being done, particularly by young men such as are assembled here to-night.

"The Constitution was not for the purpose of protecting majorities alone. The Constitution was for the purpose of having a government of laws and protecting the rights of minorities as well. It was prepared and adopted for the purpose of preventing the Government from being arbitrary and making it deliberate. It is hard in this country for people to differentiate. They think of a sovereign as a man. They think of a king. But in this country the sovereign is the majority, and the people have no more right in their sovereign capacity to do you an injustice than Kaiser Wilhelm II or the Czar of Russia had. And so the Constitution stated that you should be sacred in certain rights and no majority can be sufficient to make it justifiable to deprive you of your life, or your liberty, or your property, without due process of law. What are constitutions for? We hear in lecture rooms about this great writ of habeas corpus. Now, a writ of habeas corpus is a great and beneficent writ, but it is not of any use while a body of law students hear a profound lecture about it. It is not of any use when the orator on the Fourth of July in the town hall is telling what a wonderful thing it is. It is not of any use except when the citizen is reduced to a minority of one, and is put in jail and locked up and deprived of his liberty, and if he can not get a writ of habeas corpus then that writ is a failure. That is what this writ is for. It is the same with free speech. Free speech did not mean, and a free press did not mean, originally, that you had a right when times were absolutely placid and nothing was going on, and nobody was interested in what you said, to say something. [Laughter.] It did not mean anything like that. It meant in the great crises of human affairs, when great movements were on, and the world was moving in one direction or another that a man had a right to give his contribution to the forces that were

moving it. When it said that you had a right to assemble freely in your communities and petition the Government, it did not mean that when you did not have anything to petition the Government about and there was not anything that anybody was interested in, you could have a meeting in this hall and petition the Government. Nobody would know what to petition for. That is no privilege. It is when you have a wrong and a grievance, and when the Government is doing something that you do not like, and things are happening in the world that do not suit you—that is when you want to appeal to the Government, and petition it, and if you can not petition it then and you can not assemble, then that right, which was supposed to be guaranteed by this great charter of liberty, is no right at all."

#### DISPOSITION OF THRACE.

Mr. KING. Mr. President, I should like the attention of the chairman of the Committee on Foreign Relations to a matter I desire to bring to his notice. I apologize for the observation which I am going to make to the distinguished chairman of the Committee on Foreign Relations and to the membership of that committee. Some time ago a resolution was offered in the Senate expressing the views of the Senate in respect to the disposition which the peace conference should make of the territory of Thrace. I sincerely hope that the Committee on Foreign Relations, to whom the resolution was referred, may report the resolution at as early a date as possible, for the reason that, as I understand, the peace conference has not yet reached a conclusion as to what arrangement shall be made in the treaty with respect to Thracian territory.

We were advised that representatives of our Government at the peace conference made a proposition so absurd as, in my opinion, to call for dissent from the American people and from those who are familiar with the situation in the Balkans. The proposition which they made, as I understand, was to divide Thrace into a number of parts. A portion was to be given to Greece, another portion to Bulgaria, another portion was to be internationalized, and I am not sure what disposition was to be made of the other remnants. That policy, it seems to me, was entirely wrong. It disregarded the ethnographic and geographic conditions.

I have felt that an expression from the Senate of the United States with respect to the disposition which they think should be made of Thrace might influence the representatives of our Government at the peace conference. At any rate, I think that we should place our seal of disapproval upon that proposed dismemberment and ravishment of Thrace, and that we should express our view that the Thracian territory should be given to Greece. I sincerely hope that the Committee on Foreign Relations will report the resolution at an early date, in the hope that it may have some influence upon the peace congress.

Mr. LODGE. Mr. President, the Senator from Utah, I am sure, is aware that I am in full sympathy with him regarding his views about Thrace. Among the many amazing things of this strange time, nothing has been more amazing to me than that the United States should be the one country that has stood out against giving Thrace, which is almost wholly Grecian, to Greece; but we did. That is the fact. The other great powers, as I understand, were ready to comply with the Greek demands; but we, for some reason, have prevented that thing. I do not know why.

Mr. SMITH of Georgia. Mr. President, does the Senator think there is any objection to the Senate expressing its opinion?

Mr. LODGE. Not the least. I shall be very glad to have the Senate express its opinion.

Mr. SMITH of Georgia. I should be very much gratified to have an opportunity to cast that vote myself.

Mr. LODGE. I was about to say that although I believe the committee is in favor of it, since the treaty with Germany has been in the Senate I have been so occupied, and the members of the committee have been so occupied, that I have not called a meeting for that purpose, and I ought to have done it. I admit that; but I have been so pressed with other matters that I have not. I assure the Senator from Utah that I will call a meeting of the committee immediately. I will call it for Monday, and I will endeavor to get that Thracian resolution out, for I feel quite as strongly about it as does the Senator from Utah.

Mr. KNOX. Mr. President, I do not recall the language of the resolution presented by the Senator from Utah, but I wish now to inquire if the resolution indicates the action that the United States Senate should take in respect to this matter?

Mr. KING. My recollection of the matter is that it merely expresses the sense of the Senate that Thrace, up to a line drawn from Enos to Midia, should be given to Greece. There is a con-



cluding part of the resolution upon which I shall not ask the committee to report favorably at the present time. That is, with respect to the disposition which should be made of Constantinople. That is a matter that may be debated; but the Thracian territory proper, up to the line indicated in the resolution, I think, should be given to Greece; and the resolution merely calls for the expression of the views of the Senate with respect to that matter.

Mr. KNOX. May I venture to inquire if the Senator would be willing to express an opinion as to whether or not the Thracian people should determine the question of their own disposition?

Mr. KING. I should not have the slightest objection in the world to that, for the reason that within the territory to which I have referred perhaps 7 to 1 are Greeks, the one out of the seven being Bulgarian.

Mr. KNOX. Would not the Senator think, then, that the same rule should also apply to Egypt, and to Shantung, and to Persia?

Mr. KING. Mr. President, the Senator is going far afield from the resolution which I have introduced. Let us take one resolution at a time.

Mr. KNOX. I am seeking a principle; that is all. I am seeking for a principle that should be of general application, and I am desirous of knowing the views of the Senator from Utah upon that point.

Mr. KING. I am not seeking the vindication of a principle in the resolution which I have offered. I am simply attempting to secure a right in behalf of the Grecian people.

Mr. McCUMBER. Mr. President, may I ask also whether or not the same principle should be applied to the Philippines?

Mr. KING. Oh, obviously if we begin the application of that principle of self-determination and apply it strictly, we will have to apply it to the Porto Ricans, and to the Hawaiians, and to the Filipinos, and perhaps to other territory which is now under the flag of the United States.

Mr. KNOX. I might add, in reply to the suggestion of the Senator from North Dakota, that most people understand that the Philippines are not in hock and being disposed of. They are owned by the United States.

Mr. KING. I might respond to the Senator from Pennsylvania by making an inquiry as to whether he is in favor of giving Ireland the right of self-determination?

Mr. KNOX. I should like to have an opportunity to do it.

Mr. LODGE. Mr. President, the resolution of the Senator from Utah is as follows:

*Resolved*, That it is the sense of the Senate that, in the treaties of peace with Bulgaria and with Turkey, western or Bulgarian Thrace to the line of the Arda River and eastern or Turkish Thrace, including Adrianople, to the line from Enos on the Aegean Sea to Midia on the Black Sea, should be awarded to Greece, proper facilities for Bulgarian commerce to be reserved at Saloniki, Kavalla, and Dedagatch.

*Resolved further*, That the residue of European Turkey, including Constantinople, the coasts of the Sea of Marmora, and the peninsula of Gallipoli, should be constituted a free State under the protection of the league of nations.

This, Mr. President, is not a case of a country, one of the Allies, holding territory occupied by people of another race. This is the peace conference undertaking to decide the fate of people who are Greeks; and they propose at present to hand them back, in large measure, to Bulgaria, which was our enemy during the war.

Mr. MOSES. Mr. President, I merely wish to warn the Senator from Utah not to build too high hopes upon the expression of opinion which this resolution contains—a resolution which the Committee on Foreign Relations has been ready to report for some time and which I am sure the Senate is willing to adopt—because the fact is that other communications, notably a round robin signed by 39 Senators, was forwarded to the peace commission at Paris with notable lack of result; and I have grave doubts whether even a formal resolution of the Senate will produce any other result.

#### PORTO RICO AND THE LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, I have here a communication, dated October 9, from the Resident Commissioner of Porto Rico, Mr. FELIX CORDOVA DAVILA, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., October 9, 1919.

Hon. FRANK B. BRANDEGEE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: As you know, according to the covenant of the league of nations, any fully self-governing state, dominion, or colony may become a member of the league if its admission is agreed to by two-thirds of the assembly, provided that it shall give effective guar-

anties to its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments. Canada, Australia, South Africa, New Zealand, and India have been admitted as original members of the league. The island of Porto Rico is at present a self-governing state, with a legislature elected by the people and some members of the executive appointed by the governor, with the consent of the insular senate. I have no doubt but that we will obtain in the near future complete self-government by an act of Congress, and for the present time I am sure that India, South Africa, and New Zealand have no more self-governing powers than those of the island of Porto Rico. In my opinion, Porto Rico is entitled to have a seat in the assembly created by the league of nations as a member of the said league, and I respectfully suggest to you that in case the treaty be ratified it should be stated in clear language that it is understood by the United States Senate that Porto Rico will be made a member of the league with the same representation that the colonies of England have.

Trusting that you will give full consideration to my suggestions, I remain,

Very truly, yours,

FELIX CORDOVA DAVILA.

Mr. BRANDEGEE. Mr. President, as far as I know, that matter has not been before the Committee on Foreign Relations; but inasmuch as the Resident Commissioner has seen fit to communicate with me upon the subject, I thought it was only courteous to him to place his communication in the Record for such attention as the Senate may care to give it.

The VICE PRESIDENT. The communication will lie on the table.

#### REPORT OF PAUL P. WHITHAM.

Mr. BRANDEGEE. Mr. President, while I have the floor I desire to call the attention of the Senate to a report which was made to the Department of Commerce by a very skillful engineer whom that department sent to China for the purpose of informing the department, and, I assume, through the department the country, what the conditions in China were, among other things, as to the transportation system. Of course, the prosperity and development of China, as well to a great extent as the policy of the "open door," which this country has always so insistently stood for, depends largely upon the question of transportation and its control in China.

This engineer is named Mr. Paul Whitham. He was formerly employed by the Chicago, Milwaukee & St. Paul Railroad, and had charge of the great water-front development of that railroad system at the Pacific port of Seattle. He was recommended by the president of the St. Paul Railroad, and, I think, largely upon that recommendation was employed by the Department of Commerce. He made a voluminous and noteworthy report upon the railroad situation in China, which becomes of special interest to us at this time, inasmuch as we are now dealing with the pending amendment in relation to Shantung, the Province of China which, with its 40,000,000 of people, has been handed over to Japan.

It is well known that Shantung, with its great industrial development and its railroad facilities, is that portion of China upon which, to a great extent, its transportation systems converge and bring the products of China to the coast; so that, having heard of this report and of its great importance in relation to the very matter which the Senate is now considering in relation to this treaty of peace, I wrote on August 14, nearly two months ago, the following letter:

AUGUST 14, 1919.

Hon. WILLIAM C. REDFIELD,

Secretary of the Department of Commerce,

Washington, D. C.

DEAR MR. SECRETARY: Can you send me a copy of the report made to the Department of Commerce by Mr. Paul Page Whitham concerning the unification and neutralization of transportation in China, dealing with the railroads of China among other things?

Very respectfully, yours,

FRANK B. BRANDEGEE.

I received a communication from Secretary Redfield stating that the report was no longer in his possession, that it had been taken by the Department of State, and was in the custody of that department, whereupon I wrote the following letter:

AUGUST 22, 1919.

Hon. ROBERT LANSING,

Secretary of State,

State Department, Washington, D. C.

DEAR MR. SECRETARY: I inclose herewith a letter from Mr. E. F. Sweet, Acting Secretary of the Department of Commerce, in relation to the report of Mr. Paul P. Whitham upon "Neutralization of Transportation in China." Will you be kind enough to send me a copy of this report?

Very respectfully, yours,

FRANK B. BRANDEGEE.

I received from Secretary Lansing the following letter:

"DEPARTMENT OF STATE,  
Washington, D. C., August 26, 1919.

"In reply refer  
"F. E. 195 253.

"The Hon. FRANK B. BRANDEGEE,  
"United States Senate.

"SIR: I have received your letter of the 22d of August asking for a copy of a report made by Mr. Paul Whitham on 'Neutralization of transportation in China.' The report in question has never received the approval of the department, for its tendency is such that this department is not disposed to give it circulation under circumstances which might be construed as implying any responsibility for its conclusions.

"The proposal embodied in this report has, furthermore, been confused in some quarters with certain matters now under negotiation in China.

"In view of these considerations, I regret that it does not seem compatible with the public interests to communicate Mr. Whitham's report as requested."

Mr. KNOX. Mr. President, may I ask whether the Senator has indicated by whose authority the engineer made this report in the first instance?

Mr. BRANDEGEE. Will the Senator be kind enough to withhold his inquiry until I finish reading the letter?

Mr. KNOX. I beg the Senator's pardon; I thought he had finished the letter.

Mr. BRANDEGEE. When I finish the letter I will answer the inquiry of the Senator. The letter continues:

"I have the honor to add that I have obtained for you, and inclose under separate cover, an advance copy of a report on the railways of China, prepared by Mr. Frank Rhea, which contains, on pages 224-226, a consideration of the question of consolidating or unifying the railways of China. This monograph is not yet ready for distribution to the public, but will doubtless be given out after the 30th of the present month. I venture to hope that it will give you the information for which you are seeking.

"I have the honor to be, sir,  
"Your obedient servant,

"ROBERT LANSING.

"Inclosure:  
"Monograph relating to railways in China under separate cover."

Replying to the inquiry of the Senator from Pennsylvania [Mr. Knox] as to the responsibility of any department in instructing the report to be made, I stated in opening, but I have no doubt the Senator's attention was diverted at the time, that it was an official of the Department of Commerce who made this report. He was sent to China for the purpose of making it; he did make it, and sent it to the Department of Commerce, whose records are open to the public.

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. NELSON. Does not the matter relate to the domestic affairs of China, and are we to assume guardianship over the domestic affairs of China?

Mr. BRANDEGEE. Mr. President, the treaty proposes that we shall assume guardianship over so many peoples, and be mandatory over so many disjointed, disrupted, and dismembered remnants of empires, that I do not know what activity the Government will be engaged in in the near future.

But this I do know, that this treaty proposes to transfer the sacred province of China, one of its seacoast provinces, a province containing from thirty-five to forty millions of its citizens, to a foreign empire, and that is recommended by our President, and we are asked to assent to it. In doing that, it seems to me germane for us to know at least what constitutes the Province of Shantung, and how it is related to the great Empire of China, to the dismemberment of which we are asked to be a party.

Mr. President, it appears that the Department of Commerce had this report. It is supposed that it was getting it in aid of the commerce of this country, for the information of our citizens. The minute it is discovered in the Department of Commerce it is grabbed by the State Department and put under the seal of diplomatic secrecy.

Being unable to get this report, because, forsooth, the Secretary of State says that he does not approve of it, the Senator from Massachusetts [Mr. Lodge] introduced in the Senate, on the 11th day of September, as will appear on page 5216 of the CONGRESSIONAL RECORD, the following resolution:

Resolved, That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on "Neutralization of transportation in China."

That resolution was unanimously agreed to by the Senate of the United States, having been proposed by the chairman of the Foreign Relations Committee, which has jurisdiction of the treaty now pending. That was on the 11th day of September, Mr. President. No attention whatever was paid to that by the State Department, and finally, about three weeks after that, the Senator from Massachusetts, addressing the Senate during the morning hour, called attention to the fact that apparently the State Department of the Government had inaugurated a new policy, of ignoring the resolutions adopted by the Senate as to the business in hand, and there was some debate upon the question. A few days afterwards the following message from the President of the United States was sent to the Senate, to wit:

To the Senate:

In response to the resolution adopted by the Senate on September 11, 1919, "That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on 'Neutralization of Transportation in China,'" I am constrained to say that, after a thorough consideration of the resolution and with every desire to meet the wishes of the Senate, I am of the belief that the public interests would not be conserved by the transmission to the Senate of the report requested.

WOODROW WILSON.

THE WHITE HOUSE,  
September 29, 1919.

Mr. President, the Senate is one-half the treaty-making power of the country, and it now has pending this treaty, involving a question which this report deals with intimately, and though it was originally made to a department which does not have the right to decline Senate resolutions calling for the submission of documents, the Senate is not permitted to see this report in order to inform itself about this very treaty and the condition of Shantung and the bearing of the railroad system of China upon the disposition of Shantung. The President of the United States, on the 29th of September, which I am informed was the very day he returned here ill, and we know in what condition he arrived on that day, states that he is "constrained to state that after a thorough consideration of the resolution, and with every desire to meet the wishes of the Senate," he is "of the belief that the public interests would not be conserved by the transmission to the Senate of the report requested."

Mr. President, I wonder how many Senators think that the President of the United States has read that report or has given it a "thorough consideration"? I have seen the original signature of the President to that communication.

Mr. President, I do not know whether anything can be done about this matter. I do not understand why the Senate can not be informed about this report, and can not have the information that the executive department has in relation to it. What difference does it make whether Mr. Lansing approves of this report or not? Nobody is asking him to assume responsibility for it. It was not made to him. A report was made to the Department of Commerce. Is Mr. Lansing a branch of the treaty-making power of this country? There is no question but what the Senate is. We are entitled to that information, we are entitled to read the statement of that engineer made to the Department of Commerce, and to form our own opinion as to whether we approve of it or believe in it. Has it come to the point where in the consideration of a great new world order of things, a treaty involving 26 or 30 nations, reports bearing upon vital questions connected with that treaty are to be seized from other departments by the Department of State and squelched and denied to the Senate, under the seal of diplomatic secrecy?

How is it expected that we can form an accurate and correct judgment of the existing state of things in those far-away countries? Here is a report of our own agent. What business has the State Department to go to the records of other departments and take their reports and sequester them? It is no part of the diplomatic business of this country. It was not a diplomatic question at all. The whole investigation was made by a business agency of this Government, and because the President, under the Constitution, has the appointment of ambassadors to foreign countries, and is authorized to receive ambassadors and diplomatic officers from foreign countries, simply upon that constitutional provision, the Secretary of State presumes to invade another department and take its records, collected in the ordinary transaction of business, upon business questions, sequester them in his own department, and then say, "I decline to give them to the Senate of the United States, because I have not attached my approval to them, and I do not think it is in the public interest."

Mr. President, I call attention to this simply because it is right in line with the conduct of the executive department in not furnishing information to the Committee on Foreign Relations and the Senate through the consideration of this entire treaty.



Mr. PENROSE. Mr. President, may I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. PENROSE. I did not quite understand whether the Senator, in his very interesting discussion of the matter, stated that it was actually the President's own signature on his communication to the Senate. I am a little curious to know whether he signed it himself, and when he read this communication, in the multitude of matters engrossing him, and in view of his lamentable condition when he returned.

Mr. BRANDEGEE. Mr. President, I will state that I am not an expert in handwriting and I am not familiar with the President's signature. I did see the signature, or alleged signature, to the response to the Senate resolution. I do not know whether it is the President's signature or not. A message came in here yesterday or day before from the President of the United States, and I did not see that. I do not know whether it contained his signature or not.

I do not know whether the messages that have been received from him during his absence in Europe for six months contained his signature. I would not know his signature if I saw it. But in the light of the well-known circumstances, the President arriving here on the 29th and being immediately taken charge of by his physicians and having been ill ever since, it seems to me on the face of it the President could not have really given this matter the "thorough consideration" which he states over this signature that he has given to it. But whether he has or not, of course, what I assume happened is that if the President signed this reply to the resolution of the Senate, Secretary Lansing or the State Department sent it to him for his signature, and he signed it as a routine matter. He could not have had time to read the report and give it any thorough consideration; that is, I should not judge he could, even if he were well.

Mr. HITCHCOCK. Does the Senator recall when the report was made?

Mr. BRANDEGEE. I have not seen the report, so I am unable to answer the Senator's question.

Mr. HITCHCOCK. I am inquiring because it occurs to me, without knowing any of the facts, that it is quite within the possibilities that the report had been in the State Department for some time and had previously been read by the President, or he might have had it with him on his trip and read it at his leisure. There are any number of contingencies that might have occurred, and it seems to me a little reckless for a Senator to question a fact officially stated over the President's signature, without having made any inquiry as to the circumstances.

Mr. BRANDEGEE. I may be a very reckless gentleman, Mr. President, though I do not feel very reckless at this moment.

Mr. HITCHCOCK. If the report was of the importance the Senator suggests, it is quite likely, in fact, I should say it is highly probable, that the President discussed it with the Secretary of State and probably examined it, either prior to his trip or upon his trip. Any number of contingencies may have placed the President in possession of the information.

Mr. BRANDEGEE. I quite agree with the Senator. All things are possible. It may be that the President has read this report in its entirety. I am not discussing possibilities. I am discussing probabilities. I say to the Senator that I have formed no final and conclusive judgment about this, because I am in utter ignorance about it except for the information that I have read here this morning contained in my letter of inquiry and the responses, and in one other matter to which I was about to allude when the Senator rose.

I have stated that I do not know what was the date of this report nor when it was filed in the Department of Commerce. I never have seen it. I understand the gentleman, Mr. Whitham, is now in China. If he were here I would have gone to him and asked him all about the details of it. I do know this, that while it was in the Department of Commerce, a gentleman who does not live in Washington, but with whom I happened to be talking one evening on other matters connected with the treaty, told me that there was such a report in the Department of Commerce, and that he had read it, and told me, if I can trust my recollection, that it showed the extent to which the Japanese were penetrating China and controlling its avenues of transportation; and proposing a way to carry out the very title of the report, to wit, to neutralize the transportation system of China, so that the policy of the open door for all nations could not be defeated or put in peril by Japan or any other country.

Then, Mr. President, that gentleman, who had been allowed to read the report there in the department—they would not give him a copy of it, compelling him to stay there and read it right there—told me that another gentleman had been allowed to see it, and he gave the address of the other man.

Mr. HITCHCOCK. Mr. President—

Mr. BRANDEGEE. If the Senator will be kind enough to indulge me until I can complete my statement I shall then be glad to yield.

I wrote to this gentleman stating that I had been informed that he had been allowed the privilege of reading this report while it was in the Department of Commerce, and asking if he would be kind enough to advise me, if he could, as to the general purport and tenor of it. He replied that he would be in Washington in a few days and would be glad to call upon me, which he did. He said he had been shown the report when it was in the Department of Commerce and had read it; that it was a magnificent report and stated the true situation about the transportation system of China and what was happening to it and who was controlling it and what it meant to the commerce and future industries and prosperity of this country; but he said, "I do not want to get drawn into this matter. I have not the report, and while I think it is of vital interest to this country that it should be made public, I can not say anything publicly about it."

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wanted to ask the Senator from Connecticut whether the facts which he has stated do not testify very strongly to the conclusion that the administration is very alert in protecting the interests of the open door and of China? According to what he has stated, the administration has sent an able representative to China; he has made an investigation, and, according to the Senator himself, his report is an able and conclusive one, to show that Japan is engaged in attempting to secure an undue control over the railways of China, and that the report further proceeds argumentatively to show methods by which those railroads can be neutralized.

If that is all true, what the Senator says is really a commendation and amounts to a eulogy of the department as being alert and giving proper attention to protecting the proper interests of other countries in China and of China herself. If that is true, if the administration is taking these wise steps, with which I am sure the Senator from Connecticut sympathizes and which he evidently approves, it is very evident that nothing the Senate can do will aid in that matter. It is not within our jurisdiction. It is purely an executive affair at the present time.

If, on top of that, after making that effort to secure the information, the Executive advises the Senate that it is contrary to the public interest or inimical to the public interest to make public a matter of this kind, it seems to me that is a very conclusive statement and argues very strongly in favor of the wisdom of the course taken by the Executive.

Mr. BRANDEGEE. Of course, the question asked by the Senator is perfectly plain and obvious. It is approached by a somewhat circuitous route and under several subheads, but he has managed to interweave—I believe that is the treaty word used—or "intertwine" into it his usual encomium upon all branches of the administration and its superwisdom and good intentions.

Mr. President, the administration, until its diplomatic head got hold of this matter, which was of great importance to the country, was doing its duty to the American people, and in the Department of Commerce the duty was performed, and it had the information, and it should have been sent where it pleased; but when our partner in the treaty-making business, our senior and guiding and predominant, not to say exclusive—I will not say silent or wicked, but exclusive—partner got on the trail and the minute he found that there was some information that would throw light upon this benevolent assimilation of the domain of our fellow democrats, the Chinese, he immediately sent to the Department of Commerce and removed that report, and it is now under lock and key. How much vigilance that indicates in a desire to inform the Senate and the country of the facts in the case I do not know.

Mr. LODGE. Is it not true that the suppression of the report is directly in the interest of Japan?

Mr. BRANDEGEE. If the report contains what I suspect it contains, the effect of its suppression is in the interests of Japan. But, as I said, Mr. President, I have no knowledge of what it contains except what two gentlemen who have read it have told me, and, necessarily, their verbal report of what a whole written report contains must be very lacking in detail and must be in general terms; but the fact remains, nevertheless, and that is all I care to call attention to—and I prefaced my remarks by saying we were helpless in the matter—that the State Department of this country, upon its own judgment and the declaration that it does not approve the tendency of the report, declines to give it to the Senate.

Mr. KNOX. Mr. President—



Mr. BRANDEGEE. I yield to the Senator from Pennsylvania.

Mr. KNOX. May I remind the Senator from Connecticut that the relations which the railroads of Shantung bear to the railways of China, both those that are now constructed and those that are in contemplation, and more particularly to northern China and to the far east of China, the old eastern camel route, now about to be occupied by railroads, are not matters for speculation. It has passed beyond the realm of speculation. Dr. Ferguson, as the Senator will recall when I mention it, the American adviser of the Chinese Government, testified before the Committee on Foreign Relations specifically to that effect, that it was the key to the heart of existing and potential transportation systems of China.

Mr. BRANDEGEE. That is true. I do not suppose many Senators have read the testimony that was taken by the Committee on Foreign Relations. A good many of the minority Members of the Senate thought it was all foolishness to have any testimony at all, stating to the committee that everybody had made up his mind about the treaty and there was no use to take any testimony or to get any information. They were all ready to swallow it just as it is and they do not want to know what it is. As Mr. Lansing said to Mr. Bullitt, if the country only knew what was in it and what it "let them in for," it would be repudiated and spewed out of the mouth of the country. But knowing that, the demand is that we should swallow it without knowing what is in it, and anything that would tend to make anybody hesitate or want to amend it or vote against it should be kept from him. Let not the light shine before men.

Under this administration, when nothing is to be done in the dark or in corners, when diplomacy is to be open, when there is to be no more secrecy, such carryings-on as this are simply disgusting, and the American people would say so if they knew the truth. Some deluded people, under the lead of certain newspapers who do not know what the treaty means, are urging us to stop debating it and abandon any attempt to find out what it means.

I do not believe that constitutional government in a free democracy has arrived at that stage of degradation where the public men of this country, having sworn a solemn oath to preserve and defend the Constitution, simply because of fright about their political positions or what may happen to them at the polls, are going to surrender to this unreasonable demand. I for one will not, and I think there are others.

But, Mr. President, I said that this proceeding is merely a part, and a characteristic part, of the conduct of this administration in trying to force this treaty through the Senate without giving the Senate the necessary light and information that it and the country are entitled to.

Mr. THOMAS. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from Connecticut [Mr. BRANDEGEE], one of which I do not think should go entirely unchallenged. If I understood the Senator, he imputed the withholding of this document to be in the interest of Japan.

Mr. BRANDEGEE. Will the Senator yield to me?

Mr. THOMAS. I yield.

Mr. BRANDEGEE. I did not intend to make any such imputation; far from it.

Mr. THOMAS. Then, I have nothing to say. I misunderstood the Senator, and I am very glad that I did.

#### CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. GRONNA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 8624, which is known as the food-control and rent bill. There are only two or three important amendments which have been made by the conferees to the bill, which I shall ask the Secretary to read if unanimous consent is given for the consideration of the conference report.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

There being no objection, the Senate proceeded to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

Mr. SMITH of Georgia. Mr. President, I desire to say that the Senate adopted a conference report on this bill a few days ago and there have been only three changes from the conference report as the Senate then adopted it, which enabled the House conferees to carry the conference report to the House.

Mr. GRONNA. That is correct.

Mr. ROBINSON. Mr. President, I do not see the relevancy of the announcement of the Senator from Georgia that there are only three changes in the conference report. One change, as we all know, might totally alter the character of the report which the Senate heretofore considered. I merely point that out to the Senator from Georgia.

Mr. SMITH of Georgia. That is true; but the Senator from Arkansas will find that the three changes are very minor ones.

Mr. ROBINSON. They are unimportant?

Mr. SMITH of Georgia. Well, I do not say that they are unimportant. I can state to the Senate in a moment what they are.

The original conference report continued the operation of the bill for three years, and we have now reduced it to two years. The original bill had rather broad language about land, but it has been so changed as to cover only buildings and lands appurtenant thereto. The other change, as I recall, is that where anyone desires on a small piece of property with some improvements on it afterwards to put thereon much larger improvements for rental purposes, it may be done.

I mentioned that there were only three changes, and I called the attention of the Senate to that fact, thinking that it would help in the consideration of the report. I think the three changes are those which I have stated.

Mr. ROBINSON. The last statement of the Senator from Georgia is illuminating.

Mr. SMOOT. Mr. President, I desire to ask the chairman of the committee making the report whether any authority is given to the commission to dictate as to the repairs and improvements that shall be made and as to the character of service furnished in connection with houses and apartments rented in the District of Columbia?

Mr. GRONNA. I will say to the Senator from Utah that that part of the bill has not been changed from the original text.

Mr. SMOOT. I received a letter only about 20 minutes ago in which it is stated that additional authority to dictate as to repairs, improvements, and so forth, has been granted to this rent commission.

Mr. GRONNA. If the Senator will allow me, I will state briefly what the changes are. The Senator from Georgia [Mr. SMITH] has just stated the first change which was made by the conference committee, which is found on page 5 of the original bill. If the Senator from Utah has the bill before him, he will see that in the original bill it was provided that "the term 'rental property' means any land or building or part thereof." The conferees struck out the two words "land or," and after the word "thereof," in line 5, inserted the words "or land appurtenant thereto."

Mr. SMOOT. The bill which I have in my hand, I will say to the Senator, is not the same bill as that from which he is reading.

Mr. GRONNA. The Senator probably has not the last print of the bill. If the Senator will get to-day's Record, he will find the report there printed. There was some objection to including vacant land. For that reason the words "lands or" were stricken out and the language which I have just read was substituted.

The next change will be found on page 6, line 22, of the bill, section 102, where it was provided that the term of each commissioner shall be three years. The word "three" has been stricken out and the word "two" inserted; in other words, the term of the commissioners is reduced to two years. I might say that this law will also expire in two years instead of three, as provided by the bill which passed the Senate about a week ago.

The next change will be found on page 19 of the bill, in lines 3 and 4, in section 117. After the word "file" the words "upon the request of the commission" have been stricken out, so that the language now reads:

The owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires—

Simply making it mandatory upon the owner to file such plans and data.

Then, in the next sentence the word "may" has been stricken out and the word "shall" substituted.

Mr. HARRISON. In what section?

Mr. GRONNA. That is in the same section, in line 9. On page 21, in line 12, section 122, the words to which I referred a moment ago relating to the term of three years have been stricken out and the word "two" substituted in place of "three," so that it reads:

It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act unless sooner repealed.

Those are all the changes made.



Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. GRONNA. Certainly.

Mr. HARRISON. Was any change made touching the services to be rendered by the assessor of the District in connection with the proceedings of the commission?

Mr. GRONNA. None whatever.

Mr. HARRISON. It was pointed out when the report was previously considered by the Senate that it would probably take all of his time if the assessor were required to attend all of the meetings of the commission, and I thought perhaps the conferees changed the wording of that provision because of the criticism then made.

Mr. GRONNA. I will say to the Senator that there was no objection to that provision on the part of any Member of the House, and it was not discussed, so far as I remember.

Mr. SMOOT. Then the bill gives the assessor \$1,000 per annum extra pay in connection with his services to the commission.

Mr. GRONNA. Yes. He will receive under this bill \$1,000 extra pay per annum. He is receiving now from the District, \$3,500, and if this bill is enacted into law he will receive \$4,500.

Mr. SMOOT. I was in hope the conferees would strike that provision from the bill. It is a bad precedent and never ought to be established by Congress; in fact, I think the assessor of the District is receiving now all that the work required of him entitles him to receive.

I wish to ask the Senator another question. Is it true that a tenant can make up his mind that he wants certain repairs, improvements, or services, reasonable or unreasonable, in the house or apartment where he dwells and demand that the landlord make such repairs and improvements, and if he refuses immediately appeal to the commission, which is given authority to order the improvements or repairs to be made or services to be furnished?

Mr. GRONNA. Mr. President, I have discussed this bill with a number of men who are acknowledged to be very good lawyers, and they concur with me that there is no such provision in the bill. The Senator from Georgia [Mr. SMITH], however, can, of course, answer the question of the Senator from Utah better than I can.

Mr. SMOOT. I simply asked the question because I have not had time this morning to go into the matter, and I have received a criticism on that score.

Mr. SMITH of Georgia. I have not studied the rent provisions of the bill with great care; I have only given my attention to certain points which were at issue in the conference and helped to work them out. I do not think there is anything like that suggested by the Senator from Utah in the bill, but I do not know.

Mr. SMOOT. Let me read from a letter I received a few moments ago, before the conference report was laid before the Senate, from an attorney interested in this question. He says:

This legislation would be sufficiently annoying if the acts of the proposed rent commission were limited to the fixing of rental values, but when it is clothed with the additional authority to dictate repairs, improvement, service—

And so forth, it goes beyond what he considers wise, and he contends that such legislation should not be enacted by Congress. Really, I think if the bill goes that far it goes too far.

Mr. GRONNA. Let me say to the Senator from Utah that in the first place the commission is not only authorized but directed to fix a standard form of lease.

Mr. SMOOT. That is right; and I have no objection to that.

Mr. GRONNA. The only thing the lessee can do, in case he has a complaint and there is a dispute about it, is to make his complaint to the commission.

Mr. SMOOT. But has the commission authority to dictate or direct what repairs and improvements shall be made and what service shall be accorded?

Mr. SMITH of Georgia. I think the bill contemplates that when the commission fixes a rate of rental the landlord shall not lower the character of service rendered and undertake to destroy the effect of the act of the commission by suspending the service. The bill does permit an appeal to the commission by way of complaint if the service becomes unreasonable or improper.

Mr. SMOOT. That is right.

Mr. SMITH of Georgia. That is as far as it goes.

Mr. SMOOT. However, the attorney who writes me says that the commission has power to dictate as to repairs and improvements.

Mr. GRONNA. It has not.

Mr. SMOOT. There is a reason, as the Senator from Georgia says, why provision should be made as to the service to be fur-

nished; the service rendered at the time the party rents ought to be maintained; and I think there ought to be an appeal where the service is in any way hampered or decreased; but the attorney tells me that they have the power and authority to say as to what repairs and what improvements shall be made.

Mr. SMITH of Georgia. Does he call attention to the part of the bill which, he says, makes such a provision?

Mr. SMOOT. No; he does not. It was sent to me in a hurry.

Mr. GRONNA. Mr. President, if the Senator will allow me, I think the Senator has reference to section 106; and I shall be glad to read that section, or the Senator can refer to it himself.

Mr. SMOOT. The Senator can read it now, and I will follow this and see if it is the same.

Mr. GRONNA. Section 106 reads as follows:

For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

In every instance, as the Senator from Georgia has stated, the words "fair and reasonable" are used; and I can not understand how any lawyer can put such a construction upon that language.

Mr. SMITH of Georgia. Mr. President, this is the only language on that subject:

If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and fair and reasonable service, terms, and conditions of use or occupancy.

That is the language.

Mr. SMOOT. That is as to the rents.

Mr. SMITH of Georgia. That is the only language that has been brought to my attention in the bill. As I stated before, I did not expect to be a member of the conference committee, and I was not in the Senate Chamber when this provision was added; but I served and helped them with those points that were in dispute.

Mr. SMOOT. As I have not had time to read the bill myself, I am not prepared to discuss the situation, and having received this letter just a few moments ago I shall not object to the adoption of the report; but I want to say right now that if this bill grants to this commission authority to dictate at any time what improvements shall be made, or what repairs of any sort shall be made, I think it is a very dangerous piece of legislation. I am going to take the word of the two Senators here that such a provision is not found in the bill.

Mr. GRONNA. Let me say to the Senator that it is not found in the bill.

Mr. SMITH of Georgia. I will say that if it is in the bill I have not had it called to my attention.

Mr. GRONNA. I simply want to say that I can assure the Senator from Utah, and every other Senator here, that no such provision as the Senator from Utah has referred to is in the bill, and no such construction can be placed upon the language used in the bill.

Mr. PHELAN. Mr. President, I desire to ask the Senator from North Dakota if the bill relates only to dwellings and hotels and apartments?

Mr. GRONNA. It also relates to hotels.

Mr. PHELAN. Does it relate to stores and warehouses?

Mr. GRONNA. I presume it takes in all property. It says, "all rental property." There is no change in the bill at this time from the form in which it was passed by the Senate. In order to be accurate, I want to say to the Senate that I overlooked one amendment on page 13, which I believe every Senator here would be glad to agree to.

Mr. THOMAS. In what section?

Mr. GRONNA. Section 109, on line 23 of the bill, after the word "dependents." This relates to the provision as to how the owner of property can get his own property back if he wants it for his own use. That is amplified in this language after the word "dependents":

Or for the purpose of immediate construction of new rental property of a character approved by the commission.

The Senator will understand that that simply applies to cases where a person wants to improve his property, and it may be in the possession of some one else, and the person could not otherwise get his property to make those improvements.

Mr. SMOOT. Does that mean that if an owner desired to tear down an old building, and erect a new one, he would have the authority to do it?

Mr. GRONNA. No; it does not go as far as that. It simply means if he wants to enlarge it. I will say to the Senator that



this is in the interest of the property owners, and has been requested by them.

Mr. SMOOT. I think they should not have any more right than the party that rents.

Mr. GRONNA. That has been carefully considered by the House and by the conferees.

Mr. KING. Mr. President, I am advised that this bill has been reported by the Agricultural Committee. Few, if any, of the Senators have had an opportunity to examine its provisions. I have hurriedly read two or three sections of the bill since the chairman of the committee asked for the consideration of the report.

Let me say in passing that it is somewhat strange that a bill of this character should be referred to the Committee on Agriculture. It would seem under the rules of the Senate that the District of Columbia Committee should have considered the measure, or that it should have been referred to the Judiciary Committee. It involves important legal and constitutional questions which call for its consideration by the Judiciary Committee of the Senate. There is no explanation for the unprecedented course of having the Committee on Agriculture consider the measure containing such unusual and important provisions. The only explanation which can be suggested, and it does not explain, is that during the war, as a war measure, a food-control law was enacted. That measure when introduced in the Senate went to the Committee on Agriculture. Now that the war is over and the food-control bill is repealed, if not in terms, certainly by the logic of events, it is proposed to graft upon it a rent provision dealing with the District of Columbia. Of course, such a procedure is illogical if not preposterous. This measure deals with property rights within the District of Columbia. It affects contracts, sets up an extra judicial body, and attempts to clothe it with more or less judicial authority and power; it interferes with the ownership of private persons in their property; it attempts to deprive persons who may have a controversy of the right to have the same heard by a court and issues of fact determined by juries. Moreover, it attacks economic principles; it interferes with the law of supply and demand, and proposes a hateful system of governmental inquisition and control that will, I believe, defeat the purpose of the authors of the bill.

Mr. President, I join in the strictures and criticisms that have so often been made in this Chamber of many of the owners of real estate who have leased the same during the past two or three years. I have no doubt but what many landlords have been oppressive and brutal in their treatment of tenants and have exacted rental charges that were exorbitant if not extortionate. My information is, however, that many of the complaints made because of extortionate charges do not lie at the door of the owners of the properties but should fall upon the heads of tenants who sublet the demised premises without the consent of their landlords. Cases have been brought to my attention where tenants have sublet the rooms and buildings which they have leased at a fair figure for two, three, and four times as much. My attention was called to one instance where a tenant who paid \$50 per month for an apartment rented it for \$200 per month.

Unquestionably the same propensity to profiteer which was exhibited in so many parts of our country during the war found expression in the city of Washington. It has seemed to me that landlords, tenants who sublet, merchants—indeed, people in most of the activities of life within the District—seemed determined to gouge and rob and exploit to the limit while the war was on, and that the same devouring appetite abides with many of them now that the war is ended. There is a disposition, apparently well nigh universal in our land, to make illegitimate profit. This is not confined to any one class or any one line of business. Everybody charges all that the traffic will bear. Indeed, many are pressing the limit and are bringing disaster to our social and economic system. It is unfortunate that the cupidity of the people lead so many into devious paths and to oppressive and indefensible conduct. Landlords in the District of Columbia, I fancy, are no worse than those to be found in other parts of our country. I have read numerous accounts of the alleged extortionate demands of landlords in many cities of the United States. Only recently I read in a number of New York papers accounts of evictions there of helpless tenants. Many of them, though the rents were greatly increased, would have been willing to pay the demands, heavy and severe as they were in many instances, but their pleas for an extension of their leases, or for an opportunity to again lease the premises, were denied. It appears that the demands for houses, for apartments, and places of abode are so numerous that it has been impossible to supply them. I am told that there are thousands of persons unable to obtain suitable residences or apartments within the city of New York, and also in other

large industrial cities of the United States. Of course, these great demands lead to an increase in the rent charges.

For a number of years we have witnessed a growing tendency upon the part of the people living in rural communities and upon the farms to move to the large centers of population. Millions of people have left the farms and the country and the small towns and cities and established themselves in the large cities of our land. Such a condition is not only to be regretted, but it occasions alarm upon the part of those who give attention to social problems and are interested in the welfare of the people of our country. It is unfortunate that there should be such a migration to the industrial centers. It has been written by publicists and asserted by historians, statesmen, and political writers that the decay of nations begins when the farms and fields and the rural sections are abandoned and the great centers of population draw the people within their borders.

There should be a nation-wide campaign inaugurated to not only keep people who are now living within the country upon their farms and in the towns and villages, but to induce the decentralization of population and the return to the country of millions who have taken up their residence within the cities. I may say in passing that it is unfortunate for the country that so many of the manufacturing plants that have been erected were built either within the large cities or in close proximity to the same. I know the many arguments advanced in support of this course, and there is no doubt but what many of them are incontrovertible; but I believe that a movement should be made to induce business men and corporations to erect their plants in rural sections. The railroads of our country are so constructed as to permit this plan, and I am sure that if this plan were adopted, though it would result in many disadvantages to the owners of the plants, it would bring compensations and benefits that in the end would prove highly advantageous.

Mr. President, it is well known that by reason of the war there has been a complete cessation of building during the past two or three years. Four or five millions of men were taken from gainful pursuits, from the field, and farm, and shop, and mill, and mine, and placed in the ranks of the Army and the Navy. Millions of others were drawn from their usual avocations and placed in plants devoted to producing the munitions of war and the numerous articles which the war required. The thousands and tens of thousands of individuals who had been engaged in building operations were thus taken from their usual employment. Senators will also remember that every possible effort was made by the Government to restrict work in those fields of employment and industry that did not contribute directly to the winning of the war. The Government denied many corporations the right to sell bonds and securities for the purpose of obtaining funds to erect plants and buildings and to conduct their business operations. School districts were refused permission to issue and sell securities for the purpose of erecting schoolhouses, and the erection of public buildings was discouraged and the construction of buildings for private purposes was practically prohibited, if not by law, certainly by the pressure of the Government and the prevailing inexorable conditions. It will readily be perceived that the suspension of building operations for a number of years would result in a scarcity of buildings for housing purposes. The population of the United States is increasing very rapidly. Perhaps during the past three years the increase has been several millions. To provide homes for the increased population calls for the erection of thousands of homes and apartment houses.

The war also brought to certain cities and certain industrial centers thousands and hundreds of thousands of people. I am advised that in some parts of the United States, particularly those sections from which heavy drains of soldiers and employees for war activities were made during the war, real estate is less valuable now than before the war. Buildings are cheap and many houses are vacant; but, of course, in the large cities, particularly those which have been the scenes of war activities, the increase in population has been enormous and the housing facilities have been, and still are, wholly inadequate.

As I have stated, there is no question but what conditions in Washington are very unsatisfactory. Many thousands of persons were brought to Washington by reason of the war. This city seemed to be not only the center of the United States but, indeed, the pivotal point of the world during the last year and a half or two years of the war. The activities of the Government called for thousands and tens of thousands of additional employees. So many individuals coming here for various reasons and purposes, it was bound to result in congestion and inconvenience and privation upon the part of large numbers. And, as stated, the practical prohibition of building during the war added to the seriousness of the situation. Everyone sympa-



thizes with those who have suffered inconveniences and privations, and the unfortunate condition existing is to be deplored. But the important question is, How best can the situation be remedied? It is manifest that what is needed more than anything else in this city is an increase in the number of houses and apartments for the accommodation of the people who seek homes in Washington. If rents are too high, and all concede that they are, there is no question but what there will be a reduction if additional residences are erected.

Scarcity always produces an increase in prices. A shortage of crops is invariably attended with a rise in crop prices. If the farmers know that the wheat crop of the coming year will be short, they plant more wheat and thus increase production. The increased production results in a fall in wheat prices. During the war every effort was made to stimulate production, particularly in food products. It was realized that any attempt to impose restrictions and limitations upon the agriculturists and the stock growers would curtail production. It was felt by many that it was necessary to fix a minimum price for wheat in order to increase production.

If the Government had attempted to regulate the prices of wheat and fix commissions and restrain and restrict the planting and the selling and had surrounded the production of wheat with all sorts of rules and regulations, the farmers would have failed to plant, and want and privation would have come not only to the people of our own country, but to the people of Europe. There were some foolish people who wanted during the war to put the strong hand of the Government upon all business. They seemed to entertain the view that by regulation and governmental supervision, by the creation of boards and commissions and governmental agencies to control and direct and regulate business, production would be increased. The unsoundness of this position is revealed by a moment's reflection, and history is replete with the ignoble and inglorious failures which have attended the enforcement of such a policy.

I repeat that what is needed in the District of Columbia is the erection of more buildings. More buildings for rent and more buildings for sale. There is capital in the United States for investment in legitimate enterprises. Wherever there is a field that promises a suitable reward there will be found an investor ready for the undertaking. Where there are so many promising fields for investment as exist to-day, those who have funds for investment purposes will select those avenues which promise the safest and surest returns. Men who have trust funds to handle will not invest them where they are sure to encounter embarrassments and annoyances, impediments and threatening and assured dangers. It must not be forgotten that much of the money for investment comes from the people. There are hundreds of thousands and, indeed, millions who have small savings deposited in banks and trust companies and insurance companies. The trustees and directors of these corporations are charged with the responsibility of making safe and sound investments. The fiduciary relations existing demand the utmost care and caution upon their part in handling the moneys of other persons. And individuals whose fortunes are so great as to enable them to invest large sums, prompted by a spirit of prudence and proper caution, will seek those fields for investment that will give them a fair return and assure them a reasonable degree of safety.

Corporations or individuals who may be ready to invest money in building operations within the city, before so doing will examine the laws and regulations governing the District. They will inquire as to the taxes laid upon property, and generally familiarize themselves with all conditions that would affect directly or indirectly any investment made. If laws are enacted that hamper and restrict and subject the owners of buildings to annoyances, limitations, and oppressive control it is manifest that prospective investors will place their funds in industrial stocks or in some other field of enterprise. Senators will also keep in mind the fact that in many parts of our country the returns upon real estate have not been fair or satisfactory. In many cities, those which have witnessed a steady and constant growth, real estate investments have proven of the highest value, but in many parts of our country prices of real estate have been uncertain and fluctuating, and the returns upon the investments have proven very disappointing. I know of individuals who have sold houses which they have erected for rent at figures far below the cost price, and I know that in many sections large property owners have received no returns for years, though their buildings were rented the greater part of the time. The heavy expenses of municipalities which are constantly increasing have materially affected the rental values of real estate. I was reading a few days ago that many of the choicest real estate holdings in the city of New York were being sold by the owners because

of the high taxes which they were compelled to pay and the very small returns which the properties yielded.

This bill is somewhat along the lines of a number of measures the enactment of which was sought during the war, and as war measures. I am afraid that too many people have drifted into the habit of seeking legislation whenever evil, real or fancied, is found to exist among the people. There are also some people so foolish as to believe that whenever the Government lays its hand upon an enterprise or a business or a pursuit that prosperity and benefit and advantage immediately ensue.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield to the Senator.

Mr. POMERENE. This bill, as it has been perfected by the conferees, provides for a reasonable return on the property referred to. Of course, if there are men who are not content with a reasonable return, necessarily, perhaps, they will be deterred in their speculative operations. But that is not the immediate question. The immediate question is this: Shall we allow these tenants to be put out of their homes or pay a double rental? That is the immediate proposition that is before the Senate. What shall we do to avoid that?

Mr. KING. Mr. President, I know that during the past two years the Senator from Ohio [Mr. POMERENE] has very earnestly, and, I think, conscientiously and patriotically, given consideration to this question, and I have no doubt that in his judgment this is a measure that will tend to relieve the situation here, and in the end produce beneficent results. But I think he is mistaken. I do not agree with his premises nor do I agree with his conclusions.

I do not concede that any considerable number of tenants will be compelled to pay double rental, nor do I believe that there will be any general eviction of tenants. It has been charged, and I think there is some truth in the charge, that there are some tenants who obtained leases some time ago who have refused to pay an additional rent, though conditions warranted an increase. There is no question but what conditions justify higher rentals in Washington than what were demanded and paid three or four years ago. I do not think that tenants will be treated any differently here than they will be treated by landlords elsewhere. But concede that there will be some cases of injustice and that some landlords will take advantage of the necessities of their tenants and exact exorbitant rents, does this bill provide that form of relief that in the end will prove beneficial to the entire people? It is easy, when we come to legislate, to call attention to some concrete case of injustice as an excuse or pretext to warrant drastic, imprudent, and dangerous legislation. I think an examination of many of the unwise statutes which have been passed by legislative bodies will reveal that they were enacted because of the resentment experienced by the legislators at the recital of some great act of injustice. But it is dangerous to legislate for general purposes and for all classes and for long periods of time having in view some local grievance or evil and some specific or concrete case where a great injustice has been done.

There is an evil here. How can it best be cured? It is admitted that the evil would be abated if we had more houses within the District. That would be not a palliative only but a permanent cure for the evil. The Senator from Ohio has stated that one of the questions is whether the landlords are willing to be satisfied with a fair return upon the money invested. On its face the statement of the Senator seems to justify this legislation. Everyone should be satisfied if he can receive a legitimate and fair profit upon an investment which he makes. But what is a legitimate and a fair profit? Men will differ, and vitally differ, upon this question. A man invests in an uncertain oil property or a mining claim where he takes great chances. No one would say that a return of 5 or 6 per cent upon the money invested was fair. I think it can truthfully be said that for every mine discovered nine hundred and ninety-nine efforts fail. Indeed, it has been said for every dollar taken from the mines of the United States two dollars have been expended. Hundreds and thousands of men have given their lives and their fortunes in attempts to obtain a producing and profitable mine and their efforts have been in vain.

Some cities are so situated and their resources are of such a nature as to insure the constant growth and certainty of occupancy of all buildings erected. A reasonable return on an investment in a city of that character necessarily would be less than the return yielded upon real estate in a city which suffered many vicissitudes, and whose geographical and industrial environment was such as to prophesy uncertainty as to its future growth and development. Not by way of a complete analogy,



but rather by way of illustration, let me direct attention to the railroads and the relation of the Interstate Commerce Commission to the same. The presumption is that the Interstate Commerce Commission fixes rates that are fair and reasonable, but we know that many of the railroads in the United States have gone into the hands of receivers, and that so uncertain have been railroad investments and securities that for a number of years it has been impossible to secure any private capital for railroad improvements or the construction of new lines of railroad. Men will hesitate to invest money in enterprises under the control of boards and bureaus and governmental agencies and officials, and the bureaucratic flunkies and functionaries who are found in most forms of government—municipal, State, or national. The controlling hand of the Government does not encourage development and progress upon the part of investors, but it is repressive, deadening, and destructive. It kills initiative, hampers enterprise, and prevents development. In many investments there is more or less of a risk and gamble, and there must be a promise of adequate returns to compensate for the risks that are to be incurred. Moreover, persons who are satisfied with a reasonable return and want no more than a reasonable return upon their investments, will hesitate to expend their capital if they were to be subject to the inquisitorial examination and control and supervision of Government functionaries.

As I have stated, there are so many other avenues for investment which promise a fair return thereon that individuals will hesitate to devote their savings to enterprises which call for governmental supervision and control.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield.

Mr. McCUMBER. I think the Senator assumes by his argument that the trouble lies in the fact that we have not enough buildings to take care of the many clerks whom we have in the Government departments to-day.

Mr. KING. That is the principal reason for this bill, as I understand the committee.

Mr. McCUMBER. And therefore we should encourage building.

Mr. KING. Exactly.

Mr. McCUMBER. Does not the Senator agree with me that we have twice as many clerks in the departments as we ought to have, and could we not remedy the situation by discharging about half of them? Then there would be plenty of room, and then the rents would necessarily come down.

Mr. KING. Mr. President, I agree with the statement made by the Senator. I have repeatedly stated upon the floor of the Senate that the army of employees in the Federal service here and elsewhere is entirely too great. Yesterday in the course of some remarks which I delivered I stated in substance that Congress had failed to do its duty in making such large appropriations for the compensation of needless employees and in responding to the demands made by executive departments to appropriate tens of millions of dollars to cover deficits created by such departments. Without desiring to be critical, I submit that if the Appropriations Committee—and I think the junior Senator from North Dakota [Mr. GRONNA] is a member of that committee—would serve notice upon the departments and governmental agencies that they must discharge thousands of unnecessary employees now found in the Government they would be performing a public service and doing much toward ameliorating the condition which it is claimed this bill is calculated to do.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. KING. I yield.

Mr. SMITH of Georgia. Does it not occur to the Senator that we probably have buildings enough to house all the employees we ought to have, but while they are here we ought to see that they are not gouged in the charges?

Mr. KING. Mr. President, as I have stated, I have no doubt but what employees of the Government, as well as many others who are residing temporarily in the District, are overcharged by those from whom they are renting, but it is a question not free from complications when attempts are made to relieve the lessees from charges, which the Senator claims, subjects them to the process of being "gouged." I have been endeavoring to show that this legislation does not strike at the root of the evil and that it is not calculated to remedy the situation. If rents were immediately reduced it would not cure the evil if the population of the District maintains the same level or its numbers are increased. It is not temporary relief that is wanted, but permanent relief. Permanent relief is only obtainable by providing sufficient buildings to meet the requirements of the people. The law

of supply and demand operates in the real estate field as well as in other departments of human endeavor. If rents are maintained at an inordinately high standard, additional buildings will be erected to meet the demands of the people. If legislation is enacted which deters the investment of capital, then the permanent relief which alone the construction of buildings can effectuate will not be obtained. I repeat, the rental charges are determined by the law of supply and demand.

Of course, if there was any combination upon the part of the owners of buildings to maintain high rentals, or if there were any form of monopoly suggested, I would be in favor of the most drastic legislation to punish those participating in the combination or who were guilty of taking part in the monopolistic scheme. But it has not been suggested that there is a monopoly or a combination, or that any criminal statute is necessary to deal with the existing situation.

Mr. SMITH of Georgia. But realizing that we are going to cut largely this force and send home quite a large part of the present force—

Mr. KING. We will not do that; we have not the courage to do it.

Mr. SMITH of Georgia. As a result of the efforts of the Senator from Utah and the Senator from North Dakota [Mr. GRONNA] property holders would hesitate to erect new buildings.

Mr. KING. Mr. President, in my opinion we will not send home any considerable number of the employees of the Government who are here in Washington. No matter how many increases are made in the number of employees because of some exigency, we do not decrease the number when the exigency has passed. It is one of the unpalatable facts that we must admit that Congress does not have the courage to enforce economy in the administration of the affairs of the Government. The demands of executive departments for more bureaus, executive agencies, and employees, no matter how resolutely Congress may set their faces against them, finally are acceded to. The tens of thousands of employees now in Washington, instead of being diminished, will probably be added to. I regret to admit this, but I see no reason to anticipate any different result.

But if it be true, as the Senator has suggested, that a large number of the employees will be separated from the service and returned to their homes, the problem will then be partially solved. If 50,000 of the employees of the Government should leave Washington, unquestionably there would be vacant houses and apartments, and rents would immediately fall.

But as I have stated, Mr. President, capital seeks an outlet. Those who have savings entrusted to their hands for investment are always seeking opportunities to invest such savings in order that the owners may derive suitable returns. If there is a continued demand for buildings for residence purposes in Washington investors will erect the needed buildings. Notwithstanding the high prices of building material and labor, hundreds, if not thousands, of houses are being erected in Brooklyn and in New York and in many other industrial centers of the United States. Buildings are being erected in Washington and efforts are being made by those who have funds for investment to meet the demands of the people for homes and apartments within which to live. What is needed in the District is encouragement to investors. There should be rigid economy in the administration of the affairs of the District. The taxes should be reduced to the minimum, and owners of property should understand that their property and their investments will be reasonably safe and secure. It is not necessary to grant bonuses or hold out inducements of an unnatural character in order to secure development and obtain money for homes.

When there was a demand for railroads and they paid a suitable return capital was always available. There is ample money to develop coal mines, build smelters, construct factories, purchase farms, and build such industrial plants as are essential to supply the wants of the people. But if repressive, inquisitorial, and archaic legislation is enacted, investments cease, the construction of factories and plants and smelters and railroads terminates, and stagnation and hard times ensue. I do not mean to contend that legislation may not be required in many instances to curb combinations of capital and unjust and improper activities upon the part of investors. I am only urging that the rules of common sense and the policies which experience demonstrate to be wise shall be adhered to.

I know that the purposes of the authors of this bill and the committee reporting it are entirely praiseworthy. They perceive an evil and desire its correction. They are advised that employees of the Government and others who come here for legitimate purposes have been robbed and are being robbed now by the rapacity of landlords. It is a fact of which we all have knowledge that some of the hotels in this city are charging extortionate prices, not only for rooms but for meals which they



serve: That is not only the case in Washington but in many places throughout the United States. Rapacious, extortionate landlords exist here, and they are found in many places in the United States; but can the evil be corrected by a policy of governmental control of landlords and the owners of real estate?

In my opinion, this measure, as I have stated, may prove to be a palliative, but not a cure.

I would be tempted to vote for this bill notwithstanding some serious objections from a legal and constitutional standpoint if I believed that it would cure the situation and afford more or less of permanent relief to the oppressed tenants and lessees found within the city.

There is no question but what this measure interferes with the right of contract and limits the right of owners to control their own property.

Mr. President, I hastily, as I said, examined one or two of the provisions of the bill. Let me call attention to one provision: Section 106, to which the Senator from North Dakota [Mr. GRONNA] referred, provides that—

For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

What does that mean? It means that every contract made between the landlord and the tenant, its conditions, its terms, will be subject to revision by the commission created by the bill. If an individual now desired to construct a building for rental purposes within the District, will it be claimed that a provision of this character would not act as a deterrent? He would know that every line of his contract might be the subject of review by this commission. He would know that he might be haled before the commission at any time to defend the contract and its terms and conditions. Obviously a man who was seeking an investment, knowing the peculiarities of human nature, would be very reluctant to spend his money when he might be subjected to harassment and annoyance and lawsuits—because a hearing before the commission is in the form of a lawsuit—to the extent that is permitted and is possible under this bill.

Then:

The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, or other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable.

Upon their own initiative the commission may subject to review every contract that is entered into.

I am afraid that there will be great reluctance upon the part of investors to erect buildings for rental purposes if the question of fixing the rent to be charged is to be left to a governmental agency. The experiences of those who deal with executive boards, departments, and agencies is not very satisfactory. The red tape, the heart-breaking delays, the tyrannous and oppressive methods, the supercilious attitude of governmental functionaries—these and many other considerations will act as powerful impediments to extensive and greatly to be desired real estate investments.

Section 113 provides that in a proceeding before the commission it may determine "whether a person has been exposed, directly or indirectly, to any unsafe or insanitary condition or whether the contract imposed upon the tenant any burden, loss, or unusual inconvenience in connection with his use or occupation of such rental property, hotel, or apartment." Then the commission shall have the power "to determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor."

By this provision we set up a court and give it the powers of a jury to determine questions of damage and sharply controverted questions of fact. We are creating an extrajudicial body by this provision, and if some individual claims that he has been inconvenienced or injured by his landlord he may file a claim for damages before the commission, and the commission may sit as a jury, assess the damages, and presumably award judgment against the landlord. Where is the right of trial by jury that is guaranteed by the Constitution of the United States? It would appear that not only are the powers of courts of equity conferred upon this commission, but also that they are given all the powers of common-law courts, as well as the power to try disputed questions of fact, as jurors under our form of government are permitted to do.

Hastily glancing at the bill, I find that section 117 provides that the commission "shall prescribe standard forms of leases and other contracts" and "shall require their use by the owner of any property which is leased." I submit that this is a most

remarkable provision. The most autocratic government does not deny the right of individuals to make contracts, and it permits contracting parties to prescribe the terms of their contracts. But it appears that that right is denied to the owners of real estate within the District of Columbia. They are not permitted to enter into contracts with individuals respecting their own property, but must employ "standard forms of leases and other contracts," prescribed by the commission. It is a most remarkable suggestion that the right of contract is denied, and that the Government, through an agency created by it, will write the contracts between individuals.

It would seem we have not emerged in the District of Columbia from a status to the level of contract. Such a provision is to me most repugnant, and I am sure will be distasteful to those who have partaken of the spirit of our institutions. The idea of a Government standardizing contracts and standardizing the relations between individuals is to me an absurd and, indeed, a monstrous proposition.

It is easy to declare that private property is affected with a "public interest," but such a legislative declaration, if applied to many forms of property, would prove almost confiscatory.

Senators criticize those who urge the Government to seize the railroads, deprive the owners of the same, and turn them over to employees of the railroads for the purpose of operation. We say that it is economically unsound and politically unwise, if not immoral, to nationalize coal mines and other forms of property, or to subject such property to governmental control. We have insisted that the growth of this Republic and the prosperity of the people have resulted from the application of the principles of certain schools of political economy which recognized the right of individuals to acquire, hold, own, and control property. A proper individualism is essential to the preservation of our Government and the principles of liberty which it represents. Destroy the right of contract, the right of ownership in property, the right of individuals to control and manage and operate their property, and the glory of this Nation will depart. Communism is a deadly and dangerous creed. The socialism of Karl Marx, which finds expression in the Bolshevism of Russia, is destructive of liberty and morals and religion. It develops a brutal, calloused, materialistic people, and if persisted in will culminate in the destruction of those uplifting social forces and moral and religious principles and precepts which are essential to the progress and development of the human race and to the triumph of a splendid civilization.

This legislation will encourage demands for State socialism. It will be regarded as a precedent to invite attacks in municipalities and States upon the right of property and the right to control property and to contract with respect to the same. It may be regarded by socialists as a stepping stone to the control and ownership by the Government of houses for the use of the people.

I can not but believe that the proponents of this measure are making a mistake. They are permitting, in my view, a present evil to obscure their vision and bias their judgment, as a result of which they are proposing a measure the principle of which is condemned by experience, refuted by the principles of political economy, and denied by the letter and spirit of the Constitution of the United States. Those supporting this legislation proceed upon the assumption that the Government can enter into the fields of private endeavor and deal with enterprises and business undertakings and business pursuits that are exclusively within the province of individual effort.

But, as I have stated, and I again repeat, the measure will prove abortive and will fail to realize the expectations of its defenders.

As stated, I have only glanced at one or two sections of the bill, but I am sure a critical examination of it will reveal provisions equally as objectionable as those to which I have alluded. This legislation, in my opinion, is not only crude, but it is an anachronism. It seeks to lay the heavy and clammy hand of bureaucracy upon the people of the District. It does not encourage but will discourage investment. I am afraid that it will lead to further demands for governmental interference with the rights of individuals with respect to the control and development of their own interests and their own property.

We should stand not for socialism but for Americanism. The American people are not communistic or socialistic. They are opposed to Bolshevism. They believe in individual initiative, in self-development, in the right of contract. They have confidence in themselves and in their power to meet the problems of the day and to advance high the standard of freedom and civilization. This is no time to indulge in iconoclastic experiments or to tamper with the foundations of republican institutions. Let us rather encourage enterprise, remove impediments and restrictions in the way of individual development and prog-



ress, and give to every man under the flag a free and equal opportunity to work out his political and industrial salvation. If free opportunity is denied by combinations, by monopolies, or capitalistic combinations, the law should be rigorously applied and punishment speedily administered. But this Republic is dedicated to freedom—freedom of thought, freedom of speech, freedom of religious views, freedom to engage in callings and pursuits which accord with individual preference. In this hour it is important that the landmarks erected by the fathers should not be forgotten, and the principles underlying this Republic should not be effaced from the hearts of the people.

The VICE PRESIDENT. The question is, Shall the conference report be agreed to?

The report was agreed to.

#### INCREASED PAY OF POSTAL EMPLOYEES.

Mr. TOWNSEND. Mr. President, I ask unanimous consent to call up House joint resolution 151.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Mississippi [Mr. HARRISON] to the amendment of the Committee on Post Offices and Post Roads.

Mr. TOWNSEND. Mr. President, I do not care to delay the passage of the joint resolution. It has already been delayed too long. I think there is much merit in the proposition of the Senator from Mississippi [Mr. HARRISON], but, as I said before, the committee have tried to consider the whole question upon the lowest basis that seemed to be consistent with the good of the service at this time. However, for the purpose of getting the joint resolution into conference, I shall not ask for any record vote on the amendment, but will allow it to be submitted to the action of the Senate, in order that it may be disposed of immediately.

Mr. GERRY. Mr. President, I hope the amendment of the Senator from Mississippi [Mr. HARRISON] will be agreed to, as I know that the fourth-class postmasters are generally woefully underpaid. There are other branches of the Post Office Department in which the postal employees are underpaid, and I am therefore in favor of the entire joint resolution. It is not for the good of the public service nor in the interest of sound economy that a great number of our faithful public servants, after long years of service, should not receive proper compensation, and many of the most competent be thus forced to seek other employment.

Mr. TOWNSEND. Mr. President, I feel as though I ought to state that the fourth-class postmasters, under the provisions of last year, received \$1,200,000 as a gratuity. The amendment of the Senator from Mississippi increases the amount, over and above the \$1,200,000 additional which is proposed, by something over \$700,000.

As I said the other day, I have not any doubt that many fourth-class postmasters are underpaid, though some of them are not underpaid. However, a commission has been appointed for the purpose of determining and classifying these salaries, and the committee believes it has provided a sufficient amount to continue these offices for the remainder of this year and until the report of the commission is presented.

Mr. SMITH of Georgia. Passing from that a moment, would it interrupt the Senator if I asked him what pay has been fixed for messengers around the post offices?

Mr. TOWNSEND. Certain messengers who are receiving a salary of \$1,000 or more we have increased the same as we have the clerks, but in other cases where they are receiving but \$840 and are not in the classified service and are not to be promoted, we make their salaries \$1,000 instead of \$840.

Mr. SMITH of Georgia. I really feel that their increase is, perhaps, more than it ought to be compared to the employees occupying more responsible positions.

Mr. TOWNSEND. The class of which I am speaking are only increased \$100; that is, their salary is raised from \$840 to \$1,000, and I think \$1,000 is as little as we should pay them.

Mr. SMITH of Georgia. The work of a messenger, however, is not of the same class as the work of the other employees.

Mr. TOWNSEND. And we have not put them in the same class.

Mr. HARRISON. Mr. President, I hope the amendment will be adopted. The chairman of the Committee on Post Offices and Post Roads stated in the opening discussion of this question that the theory of the joint resolution was to allow a greater percentage of increase to the employees of the Postal Service who receive the smaller salaries than to those who receive the

larger salaries. If the provisions of the joint resolution are worked out on that theory, this amendment should be adopted. There are employees getting \$1,000 a year or \$1,200 a year who are receiving 15 per cent and in some instances more than 20 per cent increase. It does seem to me, therefore, that it is all wrong, inasmuch as other employees are receiving a larger increase, that fourth-class postmasters who are receiving only from \$200 to \$999 a year should be allowed but a 10 per cent increase.

Mr. GRONNA. Will the Senator yield to me?

Mr. HARRISON. I yield to the Senator.

Mr. GRONNA. I want to ask the Senator from Mississippi if he has modified his amendment so as to allow a postmaster receiving less than \$500 a 20 per cent increase?

Mr. HARRISON. No. I will say to the Senator from North Dakota that I feel that in conference this matter can be worked out on such a basis that the fourth-class postmaster who receives less than \$500 may be allowed an increase of 15 per cent or 20 per cent, as the case may be, and those who receive more than that be allowed probably a little less, and so forth. My amendment, however, increases the 10 per cent to fourth-class postmasters to 15 per cent, which is very small, indeed. In addition to that, my amendment provides:

And in all cases where the post office is kept in a room or building in which no other business is conducted they shall be allowed a reasonable sum, to be determined by the Postmaster General and not to exceed \$50 per quarter, to cover the cost of rent, fuel, and light.

That would not allow any rental charge to the postmasters who, in order to attract customers for their business, use a little side room in their places of business for post-office purposes; but where there is a separate building maintained for the purpose of carrying on the post office, and where necessarily fuel and light must be furnished at times, it is left in the discretion of the Postmaster General to pay such postmasters for that service not in excess of \$50 a quarter.

Mr. GRONNA. Would that apply to postmasters receiving up to \$1,000 a year?

Mr. HARRISON. That would apply to those receiving up to \$999 a year. I think it would apply to all fourth-class postmasters. I hope the amendment will prevail.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi to the amendment reported by the committee.

Mr. TOWNSEND. I ask for a division.

Mr. HARRISON. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. If permitted to vote, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. UNDERWOOD (when his name was called). I inquire if the junior Senator from Ohio [Mr. HARDING] has voted?

The VICE PRESIDENT. He has not.

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio, and therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. KING (after having voted in the negative). I have a general pair for the day with the Senator from Maine [Mr. HALE]. I understand, however, if he were present he would vote "nay," so I will permit my vote to stand.

Mr. FLETCHER. I inquire whether the Senator from Delaware [Mr. BALL] has voted?

The VICE PRESIDENT. He has not voted.

Mr. FLETCHER. I have a general pair with that Senator, which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. ELKINS. I have a pair with the Senator from Arkansas [Mr. ROBINSON], and therefore withhold my vote.

Mr. KENDRICK (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. FALL] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KENDRICK. I have a general pair with that Senator, which I transfer to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. KNOX] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. UNDERWOOD. I find that I can transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator



from Nebraska [Mr. HITCHCOCK]. I make that transfer and vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. I do not know how he would vote on this question, and, for that reason, withhold my vote.

Mr. JONES of Washington (after having voted in the negative). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with that Senator during his absence, but I transfer the pair to the junior Senator from Iowa [Mr. KENYON] and allow my vote to stand.

Mr. WARREN (after having voted in the negative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. I inquire if he has voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I transfer that pair to the Senator from Maryland [Mr. FRANCE] and will allow my vote to stand.

Mr. DIAL. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. GERRY. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The Senator from Tennessee [Mr. MCKELLAR] and the Senator from Massachusetts [Mr. WALSH] are detained in attendance on a meeting of the Committee on Education and Labor. The Senator from Delaware [Mr. WOLCOTT], the junior Senator from North Carolina [Mr. SIMMONS], and the Senator from Oklahoma [Mr. OWEN] are detained from the Senate on public business.

Mr. GAY. The senior Senator from Arkansas [Mr. ROBINSON], the Senator from North Carolina [Mr. OVERMAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Alabama [Mr. BANKHEAD], the Senator from Nebraska [Mr. HITCHCOCK], and the junior Senator from Arkansas [Mr. KIRBY] are detained on official business.

The result was announced—yeas 28, nays 23, as follows:

#### YEAS—28.

Ashurst	Gronna	Norris	Shields
Chamberlain	Harris	Nugent	Smith, Ga.
Dial	Harrison	Page	Spencer
Fletcher	Jones, N. Mex.	Phelan	Sutherland
Gay	Kendrick	Ransdell	Trammell
Gerry	La Follette	Sheppard	Underwood
Gore	McNary	Sherman	Williams

#### NAYS—23.

Beckham	Henderson	McCumber	Pomerene
Borah	Jones, Wash.	Moses	Stanley
Brandegee	Keyes	Nelson	Townsend
Calder	King	New	Walsh, Mont.
Capper	Lodge	Penrose	Warren
Curtis	McCormick	Pol Dexter	

#### NOT VOTING—45.

Ball	Hale	Martin	Smith, S. C.
Bankhead	Harding	Myers	Smoot
Colt	Hitchcock	Newberry	Sterling
Culberson	Johnson, Calif.	Overman	Swanson
Cummins	Johnson, S. Dak.	Owen	Thomas
Dillingham	Kellogg	Phipps	Wadsworth
Edge	Kenyon	Pittman	Walsh, Mass.
Elkins	Kirby	Reed	Watson
Fall	Knox	Robinson	Walcott
Fernald	Lenroot	Simmons	
France	McKellar	Smith, Ariz.	
Frelinghuysen	McLean	Smith, Md.	

So Mr. HARRISON's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. Are there any further amendments?

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 15, it is proposed to strike out "\$150" and insert "\$240," so that, if amended, it will read:

Who receive compensation at the rate per annum of \* \* \* \$1,300, \$1,400, \$1,500, or \$1,600, to be increased \$240.

Mr. CALDER. Mr. President, this amendment will increase by \$90 the amount to be paid the postal employees who are receiving \$1,300, \$1,400, \$1,500, and \$1,600. The committee recommends an increase of \$150 for men in these grades, and my amendment gives them \$240. If this amendment is adopted, I shall offer the same amendment on line 13, which will increase the men getting \$1,100 and \$1,200 by \$240 rather than \$200.

I offer this amendment because I am convinced that the sum recommended by the committee is not sufficient. In New York City there are vast numbers of men leaving the service. In fact, we find it impossible to get men to apply for these places. I have in my hand a telegram from the local secretary of the Civil Service Commission in New York. In it he states that at the November examination, in 1913, 2,881 men applied to enter the examination for letter carrier. At the examination in September of this year but 21 applied. This indicates very clearly that private employment offers better opportunities.

Mr. President, the other day when I was in New York a letter carrier came to see me. He was receiving \$1,500 per annum, which is the average rate received by the great majority of the clerks and carriers in the Postal Service. This man told me that he had been living in a little house where he paid \$30 a month rent. The house had been sold, and he was compelled to move. He had searched the city over, and the very best he could do for a home in which his wife, four children, and himself could live was \$55 a month. That left him \$840 a year to feed and clothe a family of six. So it seems to me that, with this condition of affairs existing in our cities—and, of course, most of the men of the rates of salary for which I have proposed an increase reside in the cities—we have got to do a little better than the committee has recommended.

Mr. President, much was said yesterday by the Senator from Utah [Mr. KING] and the Senator from Montana [Mr. MYERS] about the wave of profiteering now sweeping the country. I know that many men in every walk of life are guilty of this practice, but who can assert that the men employed in the Postal Service have asked for unusual consideration? The cost of living is to-day at least 125 per cent higher than before the war. The men in the Postal Service have been increased 15 per cent; this bill gives them another 10 per cent, so that their total increase will be 25 per cent. I simply propose to give them an additional 5 per cent. Surely this is not unreasonable. Reference has been made to the fact that men, both in and out of the Government service, are not producing as much as they formerly did. This, however, can not be maintained where the men in the Postal Service are concerned. During and since the war they have rendered patriotic service to their Government, and if we expect them to continue to do so they must be paid accordingly. I sincerely trust that the Senate will agree to this amendment.

Mr. TOWNSEND. Mr. President, I think I have already said enough about this subject to give the Senate a right understanding of the committee's attitude. I have not the exact figures, but I have no doubt that this amendment of the Senator from New York will add at least \$7,000,000 to this measure. It comprehends the largest class of employees in the Post Office Department. Now, I do not wish to state that everybody in the service is satisfied with what the Senate committee has proposed. I do know that the representatives of these organizations feel that the Senate committee has done well, and that what we have done will tide the Post Office Department over until we get a hearing on the general proposition of readjusting salaries.

I do not think this amendment is right at this time as an emergency measure. The Senate committee is not prepared to say now what ought to be paid as a just and reasonable salary to these men. We have not attempted to do it. We have not had time to do it. Nobody expected that we would undertake it. What we have done is to obtain the information that we could secure as to what was necessary to maintain the efficiency of the Post Office Department. We believe that what the committee recommends will accomplish that end.

If the Senate desires to increase not only the House provision, which was \$150, but that same provision approved by the Senate, \$150 additional, by making these higher graded men receive exactly the same increase that the substitutes receive per hour, or the first-year men, where the separations from the service

are the greatest, why, it is up to the Senate to decide. I think myself that it is wrong; that it has not been properly understood; and that it ought not to be acted upon without due consideration.

**THE VICE PRESIDENT.** The question is on the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

**Mr. TOWNSEND.** Mr. President, there are two or three amendments which I wish to offer for the purpose of carrying out the intent of the committee.

The Post Office Department reported to us on the classification of the employees. Since that report was made it has suggested and others have suggested some verbal changes.

I ask that on page 3 of the joint resolution, after the word "Ohio" in line 10 there be inserted the words "and employees of the mail-equipment shops." We thought we had covered them, but the question has been raised that possibly we may not have done so unless we put in those words.

I offer that amendment to the amendment.

**THE VICE PRESIDENT.** The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

**Mr. TOWNSEND.** In line 12 on page 3, after "\$1,000," I move to insert the words "or less," so as to read: "\$1,000 or less, to be increased \$240."

**THE VICE PRESIDENT.** The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

**Mr. TOWNSEND.** I ought to say that on line 9, page 3, the word "and" should be stricken out after "substitutes," in view of the other amendment that we put in.

**THE VICE PRESIDENT.** The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

**Mr. TOWNSEND.** The Post Office Department suggests another amendment as necessary on page 4. Before the word "who" in line 2 I move to insert the words "and the United States stamped-envelope agency, Dayton, Ohio."

**THE VICE PRESIDENT.** The question is on agreeing to the amendment offered by the Senator from Michigan to the amendment.

The amendment to the amendment was agreed to.

**Mr. TOWNSEND.** One of the objects in putting in this amendment is that the provision here for village-delivery carriers seems to have been a hard and fast provision. I relied entirely upon the statement of the Assistant Postmaster General as to what salaries they received. I now find that they receive a different rate of salary, which is less than \$1,000, and where they serve only half the time we want to make the same provision apply to them that we apply to rural-delivery carriers who serve only a portion of the time; and this amendment will accomplish that purpose.

**Mr. KING.** Mr. President, will the Senator permit an inquiry?

**Mr. TOWNSEND.** Certainly.

**Mr. KING.** The Senator from Colorado [Mr. THOMAS] yesterday suggested an amendment. Was that agreed to?

**Mr. TOWNSEND.** That was adopted at the time.

**THE VICE PRESIDENT.** The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

**Mr. TOWNSEND.** I move that the Senate request a conference with the House of Representatives upon the joint resolution and amendment and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, and Mr. BANKHEAD conferees on the part of the Senate.

#### TREATY OF PEACE WITH GERMANY.

**Mr. CURTIS.** Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to.

#### THE INDUSTRIAL CONFERENCE.

**Mr. CALDER.** Mr. President, yesterday afternoon at the close of the proceedings the junior Senator from Nebraska [Mr. NORRIS] was addressing the Senate on the Shantung amendments. He had not concluded his remarks. He has very graciously yielded to me that I may address the Senate for a little while on the subject of the industrial conference. He will proceed with his address after I have concluded.

In opening the industrial conference on Monday of this week, Secretary of Labor William B. Wilson stated that—

The right of any man to cease working for another for any reason that is sufficient to himself is the basic element of human liberty. The right of any person to refuse to operate his plant at any time he desires to do so is the exercise of a property right guaranteed by the Constitution. It does not follow that because these rights exist it is necessary to exercise them. They must nevertheless be safeguarded. Having done that, and having devised machinery by which justice can be secured and by which everybody at interest has the opportunity of knowing that justice has been secured, it is not likely that the right to cease work will be exercised by sufficient numbers or the right to cease operating industrial plants will be carried to such an extent as to seriously affect the welfare of the balance of the people.

Covering this same subject, Secretary Wilson, before the governors' and mayors' conference at the White House, in March, said:

I do not believe that any country owes any man a living, but I do believe that every country owes every man a chance to earn a living.

One may therefore infer that the Secretary of Labor believes that no artifice, restriction, or convention should be placed between a man and his opportunity to engage in work or his right to cease work, or between an employer and his right to employ or cease to employ, and that having insured these rights the Secretary believes that it is not likely that these rights will be exercised by sufficient numbers to affect the welfare of the balance of the people.

Yet during the last six months, largely because of attempts to devise machinery to enforce these rights, work throughout the United States has ceased to such an extent that production has been greatly curtailed and prices have correspondingly increased, and national progress has been toward lower rather than toward higher standards of living, which are the ultimate measures of industrial systems.

As I understand it, this conference was called by the President for the purpose of reaching, if possible, some common ground of agreement and action with regard to the future conduct of industry, to the end that we may obviate the wastefulness caused by the continued interruption of many of our important industries by strikes and lockouts.

It is the earnest hope of thoughtful men that this industrial conference will not fail to make "public welfare" the golden rule of its deliberations, and it is their well-grounded belief that public interest will be served by no temporary expedients for immediate current industrial ills.

Temporary conditions in industry are not the real issues. Temporary remedies may do more harm than good, just as the policy of following the line of least resistance during the war aggravated the industrial controversies we have had since the armistice was signed. Rather than devise passing palliatives and defer the final reckoning it would be prudent, in the opinion of some, to adjourn the conference and permit economic pressure to write its ruthless solution.

This conference should not be viewed by its participants as between "scientificos," exploiters of natural resources and human beings, on the one hand, and I. W. W.'s, Bolsheviks, exploiters of the public through organized sabotage and slacking, on the other hand.

In a country where there are more jobs than men and more resources than can be developed there can be no permanent quarrel between labor, the producer of wealth, and the true capitalist, who is the investor in permanent wealth which possesses reproductive power.

In a country where there are more men than jobs there may be some purposefulness in the restriction of output of each man through short hours, closed shop, or otherwise, but in a country such as the United States and at a time such as the present, when there is a crying need for men and output, there can be no sensible reason for the creation of machinery designed to decrease output, whether this machinery be created by the employer, in the form of artifices for hoarding, or the employee, in the form of closed shops, an institution borrowed from foreign parts where men were more numerous than jobs.

The public will have little patience in seeing its interests subordinated and its production held in abeyance while either employer or employee perfects machinery or systems for selfish protection or exploitation. If the spirit is wrong, no amount of machinery can be created to adequately serve public welfare,



necessity, and convenience; if the spirit is right, the machinery already in existence can continually be perfected.

We had I. W. Wism long before any of us heard of Bolshevism. There has been a steady and ominous increase in resentment against fortunes built on real or imaginary privilege, and now it seems that a considerable element in this country points the finger of suspicion toward every business success. Some people appear to believe that bankruptcy is the one trade-mark of honesty and that material success, regardless of the efforts and intelligence behind it, is somewhat criminal.

Of course the former view is as erroneous as the latter. Both are wrong and must be put aside if we are to work out a constructive program. There is good and bad in every human activity. To discover the good qualities in contemporary organized labor and current industrial management, to coordinate and preserve them, while discarding all that is vicious in collective bargaining as now practiced and in private ownership and management now prevailing, is the test of real industrial statesmanship.

#### A NEW INDUSTRIAL DAY.

If we are facing a new industrial day, we should face it without looking back too much on old prejudices and suspicions if real progress is to be made in this conference, and there must be complete confidence between the industrial factors; there must be cordial relations and a large measure of faith between the conferees, and a readiness to admit past errors and estimate at their real value virtues, past and present.

Not only is this attitude essential to the success of the negotiations between the delegates, but without it there can be no clear diagnosis of the ailments. There should be—the country is expecting it, and has a right to expect it—a clear statement of the issues, a statement of our industrial problem as free from prejudice and passion as is humanly possible. For many years the public has heard so many contentions and arguments colored by the self-interest of those who stated them that there is utmost confusion in public thinking. It is up to the conference to set them right, to tear away the husks and dead leaves and reveal the true nature of the industrial fruit we have been growing in the United States.

If the delegates, regardless of the industrial factors they represent, can not think in terms of common good and public welfare, we need expect nothing permanently helpful from these deliberations. The public good is the key to this situation, and it can not be unlocked by any other key.

The two factors in our industrial life—employer and employee—have been so intent on defending themselves against each other, that both, at times, appear to forget that the cake they bake as factors they must also eat as the public.

Is it not significant that in an era of unprecedented living costs we hear so much about "sharing the profits with labor" and so little about sharing the profits with the public? If there is a profit melon to be cut, why not hand it to the public in the form of reduced prices?

Labor representatives on several occasions recently have insisted that wage increases were necessary to meet the increased cost of living, and that if no curb was put on this latter further wage increases would be necessary. Labor, of course, must have a living wage, but if there are unusual profits to be divided, why not distribute them in the form of lower living costs rather than by handing them out to one of the industrial factors?

Furthermore, the dividing of profits, indeed, giving all present profits to labor, will not decrease the price level or materially benefit labor. Business was conducted at a loss amounting to \$630,000,000 by 119,000 corporations, one-third of those reporting to the Commissioner of Internal Revenue for the year 1917. From profits must be deducted taxes, upkeep of plant, and so forth. Profits must be accumulated, not only for development of plant throughout the United States but also for development of plant in foreign countries. Up to the beginning of the war our accumulated profits had been \$6,000,000,000 less than our plant investments in this country. We borrowed this money from abroad, and we can no longer borrow the accumulated profits—that is, capital—from abroad.

Unfortunately we have formed the habit of thinking in the terms of capital and labor. A capitalist is one who invests his time or his energy in the acquisition of commodities which are enduring in value and have a potentiality of production. The wage earner is literally a capitalist if he thus invests his time and money. Those who invest the results of their efforts in consumable goods and in idleness are spendthrifts. Those who fritter away the result of their efforts are inclined, when the time of need arrives, to attempt to extricate themselves from their unfavorable situations by demanding a right to share in

the permanent goods of increasing value which have been acquired by their more industrious companions and to call such companions "capitalists."

It is fortunate for the conference, perhaps, that the war has brought out in bold relief many of the causes of industrial infelicity and discord. Higher wages, the curtailment of production, and the interruption of distribution are always factors in higher prices. To-day their influence is more apparent than ever; privilege, always making for the restriction of opportunity, to-day shows up in more vicious colors; the desire for power and the tendency to abuse power once gained, always present in industrial and social groups, to-day is more clearly discernible than ever.

One phase of the conference task is to reestablish the authority of contract; for unless we can find a way to make effective an agreement after it has been entered into, how is any business to proceed to that maximum activity on which the world's welfare depends?

Labor asserts, with some justification, that great iniquities have resulted from modern corporation business. We are so organized in that field that not only labor may be, but also the minority stockholders may be, the victims. One hundred dollars in stock may control a corporation in which millions are involved, and the interests having less than a majority of stock, even though in money they lack by \$100 of the majority, have been, are, and can be exploited by the majority interests if the latter see fit to go in for intrigue against the minority interests.

#### FEDERAL INCORPORATION.

Has the time come when Federal incorporation is the next logical step in industry? Is this not a step, American in its spirit, more effective than Government ownership? Federal incorporation would give us such Government control as would effectively protect both labor and minorities in corporation business, and at the same time would retain the thoroughly American development of private initiative and hustle of private management. To turn the railroads, for example, to the control and operation of labor is to transfer the control and operation from one class of private interests to another, and there is no reason to believe that future ills will not equal if they fail to surpass the past ills. Federal incorporation would give the Government such power as is essential to guaranteeing justice to labor, shipper, passenger, majority and minority stockholder, and at the same time there would be no diminution of incentive in endeavor and efficiency, because private initiative would remain free in its executive and operative capacity.

With the close of the war labor occupied the most favorable moral position it has ever enjoyed.

Since the armistice labor has insisted that it shall retain all the advantages it gained during the war; that there shall be no wage reductions, but that our industrial readjustment should be made on the war wage level. In the first months after the armistice this position was maintained in the face of a prospective oversupply of labor, so threatening that the United States Government, through the Department of Labor and the War Department, under the direction of Col. Arthur Woods, carried on a nation-wide campaign for the reemployment of soldiers and the stimulation of labor-absorbing activities.

#### PRICES STILL INCREASING.

At the cessation of hostilities prices had risen, according to the Bureau of Labor Statistics, to 107 per cent above prewar levels. On the early prospects of an abundance of labor and possible overproduction, prices receded by March, 1919, to 98 per cent over the prewar level. Labor, however, was determined to hold the status quo in wages and working conditions, or make them even more favorable. Strikes were of increasing frequency until we are having an unprecedented number of them. Some of these strikes were not so much for the prosperity of the workers, but, in their real effect, strikes against replenishing promptly the national shortage of goods; strikes, therefore, against public welfare and favorable to the maintenance of the high cost of living against which the labor element, and all other elements, have been and are complaining.

These were and are strikes not only for higher wages, but for shorter hours, producing idleness, lack of effort, and reduced output. During the six months succeeding the armistice the production of peace commodities, even with the release of machinery and labor from war production and with the returning soldiers to recruit the force of producers, has been estimated by some authorities as but half the production of peace commodities during the six months preceding the armistice, when our maximum effort was concentrated on war activities.

There are other influences, of course—the Federal Trade Commission asserts one of these is the abuse of storage facilities and possibilities—entering into the increasing costs of living, but labor disturbances, resulting in decreased production,



have largely been responsible for sending the price level up again, until to-day it is 128 per cent above the prices current at the beginning of the war, an increase of 30 per cent in six months.

Labor can not escape the responsibility for much of this increase in living costs from 98 per cent in March to 128 per cent in September. The effects of currency inflation and of export business had largely spent themselves by March and can not properly be counted as factors in the increase in living costs from March to September. The lack of production is the major cause, and this has resulted in the main because labor has ceased to produce and has brought its economic power to bear on the solution of what it holds to be a more equitable division of the wealth already extant. While we are quarreling we are consuming, and soon the monkey of contention will have consumed the cheese, and if at last we agree on an equitable division we will find there is no cheese to divide. Everyone in his senses realizes that we should be creating new wealth rather than concerning ourselves with divisions of wealth already created. Whether such division be made through barter, speculation, or wage adjustments, still it is dividing and not creating.

Public welfare clamors for increased production at once; industrial welfare demands a permanent policy of bargaining, so that the minimum of uncertainty as to future production costs can be had.

#### PUBLIC INTEREST FIRST CONSIDERATION.

The conference can not be a success unless every act is based on consideration of the public interest and industrial stability. The conference can not be a success if one side or the other attends with the idea of getting something for itself rather than contributing something to the common interests and public welfare. The pugilistic attitude demanding this, that, or the other, and threatening to back up the demand with tie-ups, disorders, or revolution leads only to ruin. To make collective bargaining a camouflage for consolidating the gains of organized labor is to prejudice industrial owners and the general public against such virtues as there may be in collective bargaining. Subterfuge and pretension must be torn aside, deuces called deuces, and spades called spades. May we have a frank statement of purpose from all concerned and compare those purposes and arrive at the inevitable compromise, and, having arrived, establish responsibility on the part of all parties to it; let us raise labor to the same level of responsibility as we hold employers; let us put the public in as the Government on the same plane of responsibility; let us not have labor agreeing and no way of holding it accountable when delinquent in its obligations under the agreement; let us not have the Government agreeing and not there when it comes to shouldering responsibility for its agreement. Let the owning interest be subjected to no greater responsibility, and no less, than devolves on the other two elements.

#### THE ULTIMATE PURPOSE OF UNIONISM.

The Nation must gradually improve the standards of living. We have gone backward since March in this respect. Labor pays its own wage, and the consequence of what labor as labor does must be borne by labor as the public. The American Federation of Labor, representing the highest development of labor thought and practice, is yet human and makes its mistakes, and must admit them, as must the employing interest admit its mistakes. It is obvious that employees can not go to their employers one at a time and receive the consideration and justice forthcoming when they appear through group representatives. Collective bargaining has its economic virtue, and as such it deserves to prevail as an accepted practice in industry. But if collective bargaining is to be prostituted and used as a weapon for ultimate domination of management, of profits, of political action, and of social conventions, then do we have anything less than a government within a government? Let us know now to what end the union movement travels. Where does it draw the line on its quest of power? Having a unionized nation, what then? Here is the danger which the public intuitively senses. The inescapable logic of nation unionism is an inner government more powerful than the outer or constitutional government.

It may be admitted, perhaps, that properly handled such an inner government might prove a blessing, but we must judge its future on its record to date. Power in unionism finally comes to rest in a few hands; these may count votes unfairly; they might surpass the most corrupt political machine in the manipulation of alien and ignorant workers; and we then have an inner government dominated by a few powerful men without the consent of the constitutional government and with the aid and influence of the alien, and, as the Senator from Oklahoma [Mr. OWEN] suggests to me, without the pale of the law.

If the one alternative is such a national unionism, then the open shop is essential to perpetuate our Government on the foundations of its Declaration of Independence and of its

Constitution. But, also, this open shop must not in fact be a closed shop; a union man should enjoy the same rights in this shop as a nonunion employee.

If we can have from this conference a clear, honest statement of the actual conditions in industry, the real purposes of the groups which have been in conflict for years, if the public can have an authoritative statement of the industrial situation as it is to-day and as it has developed since the Civil War, the conference will not have labored in vain, but to approach the task as a temporary one requiring temporary treatment surely is to add insult to the injury and increase confusion. It is to lead labor to expect divisions of profits where there are no profits, to expect privilege without responsibility, which eventually leads to disaster; it is to lead the public to expect reductions in prices when there can be no reductions in prices if we are to produce abnormal profits and then divide them between employer and employee; it is to urge our citizens to turn investors without protecting their investment, leaving them to the tender mercies of the wolves which travel in sheep's clothing; it is to work inestimable injury on the legitimate and productive business of the Nation and solve nothing, but only intensify and aggravate the irritations and make the final reckoning more certain and vastly more precarious and menacing.

Mr. OWEN. Mr. President—

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. OWEN. The true way in which to meet organized minorities, when they shall attempt to exercise undue control of the Government or of the rights of the people in the Government, is to establish the organized majorities of the country through the ballot box, that the conscience and power and opinion of the men and women of the country can make itself felt in these ways. It is due to the failure of our administrative processes to control monopolies in large degree and our failure to deal with the questions which affect the high cost of living, which unavoidably, because of matters which were within no man's control, recently have gone beyond all bounds, that there has been a growing discontent all over the world, and men have organized and naturally tried to improve their conditions, unmindful to some extent of the interests of the large majority of men who are the great consumers and the great producers; but the great producers and the great consumers ought to have a right to be protected through the organization of the majority, the one great union in this Nation, the union which appears here on this floor by representatives chosen by the people of this country at the ballot box. There is where the people have a right to control, and it is through the representatives on this floor and on the floor of the House of Representatives that the remedy will be largely found for the high cost of living.

Mr. CALDER. I thank the Senator for his comment. There is no question that, in the last analysis, that is the place where the remedy will be found.

#### NOT A PARTISAN ISSUE.

Mr. SHIELDS. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Not a partisan issue," relative to the league of nations, appearing in the Columbia Herald, a Democratic daily newspaper of Columbia, Tenn. Columbia is the capital of Maury County, Tenn., a splendid section of the country, beautiful and fertile as any in the world, and inhabited by a population of the most enlightened and broad-minded people in the world. The late Senator Robert L. Taylor well described it as "the dimple of the universe." It is a very able editorial and I think it will be somewhat enlightening to the Senate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### "NOT A PARTISAN ISSUE."

"Nothing could be more unfortunate than that the ratification of the league of nations should be made a party issue. In the past it has been said that the Americans were partisans in their own country but beyond the territorial limits they were simply Americans. This assuredly was the case during the late war, although the President in his appeal for the election of a Democratic Congress appeared to label the war as a Democratic measure. All of us, however, know that such was not the case.

"The ratification of the league of nations covenant is not a personal or a party issue. It is unpatriotic to attempt to make it a partisan matter. Democrats, supporters of President Wilson, ardent patriots during the war, frankly can not 'swallow whole' the entire covenant, because their Americanism is too intense to permit it. That is all. Because a man loves his



country better than a political party or places his allegiance to flag above his loyalty to a party leader surely ought not to condemn him before patriotic Americans, however anxious they may be to try the experiment of the league of nations.

"There are Americans who can not, much as they would like to, follow the President when he declares his efforts are being given to put into effect a league of nations that 'will be greater than the Government of the United States.' This language is that of the President. Now, there are Democrats in this country who would never help to establish any government that would be greater than the Government established in Independence Hall, born amid the thunders of Yorktown's guns, and rededicated and reconsecrated to its eternal principles at Gettysburg's sacred shrine. They appreciate all the idealism of the President; they abhor war just as much as he does; they may not always have been 'too proud to fight,' but they are just as peace loving as the Chief Executive; nevertheless, when it comes to any supplantation that shall in the slightest degree determine when this Nation should fight or should not fight for principles dearer than life itself, they must be pardoned if they insist upon standing upon the Constitution of the United States and beneath the folds of Old Glory and ask to be excused.

"Some of the most brilliant minds in the world conceived the idea of a league of nations. In truth, the idea is not new. A similar effort was made at Westphalia more than two and a half centuries ago to set up a force to police the world and prevent wars. It failed. President Wilson and those who stand with him are sincere and devoted to a very lofty ideal. They place all humanity above the interests of one country. In their desire to serve mankind they look across boundary lines; they are willing to sail uncharted seas; to place the destiny of their own nation at least partially within the keeping of many nations of many races and tongues. They are moved by high and noble aims. No one can question their sincerity.

"But the advocates of the league and all the ideals for which it stands must concede equal sincerity and honesty to those rather old-fashioned Americans who place the Stars and Stripes above every other flag that ever floated to heaven's breezes; who love country and its institutions better than they do the black man south of the Equator, the yellow man of the East, or the motley peoples of southern Europe and the Balkans. They may not live as high above the clouds as the President, but with their feet firmly planted upon the Constitution of the United States they are thinking more of perpetuating the opportunities which their own Nation affords for their own children and children's children than they are about preserving the territorial integrity of motley nations that were born from the travail of the recent war. The issue of the league covenant should not be and must not be made a partisan one."

#### TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed consideration of the treaty of peace with Germany.

Mr. NORRIS resumed the speech begun by him yesterday. After having spoken for 2 hours and 20 minutes he yielded the floor for the day.

#### EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session with closed doors, the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate, as in legislative session, adjourned until Monday, October 13, 1919, at 12 o'clock meridian.

#### NOMINATION.

*Executive nomination received by the Senate October 11, 1919.*

#### UNITED STATES DISTRICT JUDGE.

Charles B. Faris, of Missouri, to be United States district judge, eastern district of Missouri, vice David P. Dyer, retired.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate October 11, 1919.*

#### COLLECTOR OF INTERNAL REVENUE.

Leslie A. Miller to be collector of internal revenue for the district of Wyoming.

#### UNITED STATES ATTORNEY.

John W. Bennett to be United States attorney, southern district of Georgia.

#### RECEIVER OF PUBLIC MONEYS.

Ernest L. Parker to be receiver of public moneys at Lewiston, Idaho.

#### COAST AND GEODETIC SURVEY.

Ernest E. Reese, to be hydrographic and geodetic engineer in the United States Coast and Geodetic Survey, Department of Commerce.

#### PROMOTIONS IN THE NAVY.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Charles A. Wynn,  
Thad T. Taylor,  
Glenn D. Miller,  
Herbert Rosenzweig,  
Thomas E. Watson,  
Burwell H. Clarke,  
Walter G. Sheard,  
Paul Brown,  
Roger W. Peard,  
John D. Nevin,  
Peter C. Geyer, jr.,  
James E. Davis,  
Lloyd L. Leech,  
Charles P. Gilchrist,  
Joseph E. Brewster,  
Raphael Griffin,  
Karl I. Buse,  
Harold S. Fassett,  
Samuel A. Woods, jr.,  
George C. Hamner,  
James M. Bain,  
George B. Reynolds,  
James T. Moore, and  
Nimmo Old, jr.

The following-named first lieutenants to be captains in the Marine Corps:

Charles A. Wynn,  
Thad T. Taylor,  
Glenn D. Miller,  
Herbert Rosenzweig,  
Thomas E. Watson,  
Burwell H. Clarke,  
Walter G. Sheard,  
Paul Brown,  
Roger W. Peard,  
John D. Nevin,  
Peter C. Geyer, jr.,  
James E. Davis,  
Lloyd L. Leech,  
Charles P. Gilchrist,  
Joseph E. Brewster,  
Raphael Griffin,  
Karl I. Buse,  
Harold S. Fassett,  
Samuel A. Woods, jr.,  
George C. Hamner,  
James M. Bain,  
George B. Reynolds,  
James T. Moore, and  
Nimmo Old, jr.

The following reserve and warrant officers to be second lieutenants in the Marine Corps:

Angus Wilson,  
Fred Lueders,  
Charles S. Beale,  
John F. Duffy,  
William R. Perry,  
Bert Pearson,  
Charles G. Knoechel,  
John F. Evans,  
Ray W. Jeter,  
Louie W. Putnam,  
Stephen F. Drew,  
Charles F. Finger,  
William S. Robinson,  
James E. Snow,  
Harry Paul,  
John W. Hingle,  
Augustus Aiken,  
Austin G. Rome,  
Arthur J. Trask,  
Joseph Jackson,  
Earl C. Nicholas,

Joseph M. Swinnerton,  
 Leslie G. Wayt,  
 Charles A. Smith,  
 Archie Farquharson,  
 Robert W. Winter,  
 Max Cox,  
 Edgar S. Tuttle,  
 William L. Erdman,  
 Ernest L. Russell,  
 William F. Becker,  
 Charles H. Martin,  
 Ross L. Iams,  
 George Nielsen,  
 Harry E. Leland,  
 John J. Darlington,  
 Robert P. Harris,  
 Frank S. Flack,  
 Eli Savage,  
 Frederick D. Harbaugh,  
 Charles C. Carroll,  
 Norman Johnston,  
 Spencer N. Phillips,  
 William T. Crawford,  
 Francis Kane,  
 Edward A. Platt,  
 Charles Wald,  
 George S. Furey,  
 Charles R. Francis, and  
 Edward G. MacFayden.

The following named second lieutenants to be first lieutenants  
 in the Marine Corps:

Kenneth R. Berkey,  
 Lindley H. Pryor,  
 William K. MacNulty,  
 Ralph W. Luce,  
 George F. Stockes,  
 Rowan C. Pearce,  
 Stanley E. Ridderhof,  
 Elton C. Hersman,  
 Charlton P. Lee,  
 Julian N. Frisbie,  
 Ervin R. Whitman,  
 Benjamin W. Atkinson, jr.,  
 William S. Fellers,  
 Henning F. Adickes, and  
 Augustus H. Fricke.

POSTMASTER.  
 KANSAS.

Burton C. Peterson, Lyons.

## HOUSE OF REPRESENTATIVES.

SATURDAY, October 11, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, Father of all souls, for the complete revelation Thou hast made of Thyself in Jesus Christ; for the disclosures Thou hast made in Him of man at his best, by which we understand that the genius of the Christian religion shall never be fulfilled in any man, until he has developed harmoniously and symmetrically all that is purest, noblest, Godlike, in his being; that there is no royal road to perfection, no short cut to heaven.

Teach us therefore patience, diligence, kindness, generosity of soul, until under the dispensation of Thy providence we all come unto the measure of the stature of the fulness of Christ; and Thine be the glory forever. Amen.

### THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. WALSH. Mr. Speaker, I desire to correct the Journal. I understood from the reading that it contains the statement that Mr. WALSH made the point of order against the motion to recommit offered by the gentleman from Missouri [Mr. IGOE]. The point of order was made by the gentleman from Minnesota [Mr. VOLSTEAD]. The Journal should be corrected.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The SPEAKER. Without objection, the Journal as corrected will stand as approved.

There was no objection.

### LEAVE TO ADDRESS THE HOUSE.

Mr. MOON. Mr. Speaker, I want to ask permission of the House to proceed for four or five minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

### CORRECTION.

Mr. BLANTON. Mr. Speaker, may I correct the RECORD first?

The SPEAKER. Certainly.

Mr. BLANTON. On page 6700, column 2, line 34, the word "must" should be "much." I ask that it be corrected.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. MONDELL. Mr. Speaker, I assume it is not at all necessary to call the attention of the House to errors of that sort in the RECORD. They can be corrected simply by calling them to the attention of the clerk in charge of the RECORD, Mr. Andrew W. Smith, in Statuary Hall, and asking him to have the permanent RECORD corrected where it is a matter of misspelling or where a word is not in the proper place.

Mr. BLANTON. I will state to the gentleman from Wyoming that I know that that can be done in some instances, but I thought that such matters in the body of the RECORD, matters which come up in debate, where corrections were made concerning the debate, it was necessary for the action of the House to be taken.

Mr. MONDELL. It does not require to be merely a correction of a grammatical error or misspelling or a transposition of a word where the intent is very clear, and where an error has been made for some reason or other.

Mr. BLANTON. I thank the gentleman for the information. Hereafter I shall pursue that suggestion.

### LEAVE TO ADDRESS THE HOUSE.

The SPEAKER. Is there objection to the gentleman from Tennessee to proceed for five minutes?

There was no objection.

Mr. MOON. Mr. Speaker, inasmuch as it is likely that I shall not be able to read in the five minutes allotted to me certain communications between the Postmaster General and myself, I will ask that they be incorporated in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend in the RECORD the communications indicated by him. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, perhaps there is nothing more important to this House than that the statements made on the floor by its Members should be entirely accurate. The dignity of the House, the dignity of the membership, can not be maintained if false and incorrect statements are made on the floor of the House that go finally unchallenged. We speak here under the shield and the protection of the Constitution. No man can be called to answer on the outside for what he says on the inside of this House. Therefore it is the more important that everything that is said about persons who have not seats in this House shall be said accurately and with a view to truth and in the public interest. Otherwise, if that privilege is made the means by which one slanders, traduces, and calumniates another, it is a most foul and infamous degradation of the privileges of the House.

I assume that if any man on the floor of this House makes the statement or draws an inference from facts and afterwards finds the same to be incorrect, his manhood will compel him to rise up on the floor of the House and make the amende honorable. If he makes a statement purely for partisan purposes, regardless of the truth, for the purpose of taking advantage, we can not expect apologies from such because they possess not those instincts that actuate the conduct of gentlemen. So when a man makes a statement of fact here, if he finds it to be erroneous, if he is an honorable man he will retract it. If he still believes, after it has been traversed that he is correct, he will produce the proof to sustain his position. But one of two things can be done. When a man says a thing is true and finds out that he has been misinformed and that it is not true, he must retract it. If he believes it to be true, he must prove it. If he does neither, he must be relegated to that unenviable position where in the judgment of the honorable men of this House he has neither decency, respectability, nor virtue to attend him.

Now, while I make these general remarks, I do not want it to be understood by the House that I am making them applicable to any particular individual in this House. I thus re-



mark because certain things have happened in this House which need correction.

I am going to assume that the gentleman of whom I shall speak a little later is a thoroughly honorable man, and that if he finds that he has been mistaken he will correct his statement, or that if he still believes he is not in error he will furnish proof to sustain his position. If he does neither, he stands subject to the judgment of this House under the rules that I have laid down and to which all must agree.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. I ask for one minute more.

The SPEAKER. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, on the 11th of September a debate occurred in the House in reference to the Newark, N. J., post office and the action of the Postmaster General in attempting to control, as was alleged, the Civil Service Commission in the appointment of an official—a postmaster. This debate is fully set out in the RECORD, and in it the gentleman from New Jersey [Mr. LEHLBACH] charged not only that the post-office inspectors were falsifying records, but he charged the Postmaster General with stating that which was not true in reference to the matter.

Mr. CAMPBELL of Kansas. I notice that the gentleman from New Jersey [Mr. LEHLBACH] is for the moment not on the floor.

Mr. MOON. I am not going to say anything about the gentleman from New Jersey which would reflect on him in the least degree. I do not know whether the gentleman from New Jersey was correct or not in his statements. I want to say, however, that the inferences which he drew from his own statement do not seem to be justified from the statements that he made, and I offer the statement of the Postmaster General and records to show that he is in error.

I addressed a letter to the Postmaster General on this subject, which I will insert in the RECORD at this place, and I have from him a reply to that letter, in which he demonstrates very clearly that the gentleman from New Jersey [Mr. LEHLBACH] is thoroughly in error, and that the action taken by the department was upon the recommendation of Republican and not Democratic inspectors, whose action was correct. The gentleman from New Jersey [Mr. LEHLBACH], as an honorable man, must apologize or prove his charge.

The SPEAKER. The time of the gentleman has again expired.

The letters referred to are as follows:

COMMITTEE ON THE POST OFFICE AND POST ROADS,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., October 9, 1919.

HON. A. S. BURLISON,  
Postmaster General, Washington, D. C.

MY DEAR SIR: A few days ago Representative LEHLBACH, of New Jersey, addressed the House in connection with the appointment of presidential postmasters under the Executive order of March 31, 1917, and reference was made to the number of cases referred by you to the Civil Service Commission for review of the ratings; also the Newark case.

Will you kindly advise me promptly how many cases at the present time have been returned by you for the purpose of having the ratings reviewed and are still with the Civil Service Commission, who were the inspectors who investigated the charges of political activity against Mr. Bock, former postmaster at Newark, N. J., and with which of the political parties is each affiliated, if you know?

It has been claimed by Mr. LEHLBACH that the charges in the case of Mr. Bock were not substantiated by the evidence. Will you kindly advise me as to this? Also furnish me with a copy of the report made by these inspectors who visited Newark, and any other pertinent facts which may have a bearing on this case, so that I may know the facts.

Sincerely, yours,

JOHN A. MOON.

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., October 8, 1919.

HON. JOHN A. MOON,  
House of Representatives.

MY DEAR JUDGE MOON: Receipt is acknowledged of your letter of the 3d instant, relative to statements made on the floor of the House by Representative LEHLBACH with respect to the appointment of presidential postmasters under the Executive order of March 31, 1917. I wish to state that the number of cases handled since this order was issued is as follows:

Number of nominations from eligible register, 1,267.  
Number of nominations of first eligible, 1,188, or 93.7 per cent.  
Number of nominations of other than first eligible because of death or refusal of first eligible to accept, 26, or 2 per cent.  
Number of cases where other than first eligible was nominated because of character or residence of No. 1, 35, or 2.8 per cent.  
Number of nominations of other than first eligible for various reasons, such as health of No. 1, tuberculosis, skin disease, etc., 18, or 1.5 per cent.  
Number of cases still in the hands of the Civil Service Commission, 466.

Number of cases before the President for consideration awaiting determination of the application of the act of July 11, 1919, 35.

Number of cases certified by the Civil Service Commission but still under consideration by the department, 285.

In his statement on the floor of the House, Mr. LEHLBACH stated that: "While it was well known that in a number of cases vacancies have been unfilled for a year or more because of the Postmaster General's failure to coerce the Civil Service Commission to change its ratings in compliance with his desires, it was not believed that his contumacy and effrontery had developed to such astounding proportions that 786 of the most important post offices throughout the country are left without permanent appointees to administer them. He speaks of 466 of such cases being still in the hands of the Civil Service Commission. It will be interesting to note, should he eventually comply with the House resolution, how many of these cases are still in the hands of the Civil Service Commission because of reference by the Postmaster General on the ground that the original ratings were improper."

Mr. LEHLBACH apparently is under the impression that acting postmasters are serving at all of these offices, but as a matter of fact there are acting postmasters at only approximately 25 per cent of these offices. In the remainder of the cases the present incumbent has either resigned or is not to be reappointed, but is continued in office until his successor is appointed and qualified, so that many of the offices referred to by Mr. LEHLBACH are in charge of regularly appointed postmasters. Of the 466 cases still in the hands of the Civil Service Commission, Mr. LEHLBACH stated that it would be interesting to note how many of these cases are still in the hands of the Civil Service Commission because of reference by the Postmaster General on the ground that the original ratings were improper. Had Mr. LEHLBACH made the slightest inquiry he could easily have ascertained either from the Civil Service Commission or the Post Office Department that of the 466 cases referred to only 23 had been returned to the commission for review because of protests filed with the Post Office Department, and that the remainder were referred to the commission for the purpose of holding an examination to enable it to certify an eligible register which had not yet been done.

With reference to the investigation at Newark, N. J., Mr. LEHLBACH stated: "When the charge was lodged against Postmaster Bock two post-office inspectors were sent to Newark to make an investigation. They took statements of a number of the people in the city of Newark; they thereupon falsified certain of the statements, and on the basis of the statements so falsified made their report, which received the formal approval of the chief inspector. When the papers were referred to the Civil Service Commission the suspicions of that body were aroused on the face of the case, and Mr. Doyle, of the commission, was sent to Newark to make a personal investigation. He discovered the fact that the statements of several persons had been altered, and procured from them correct statements and also affidavits to the fact that the earlier statements had been falsified."

In accordance with your request, I wish to state that the two post-office inspectors referred to were both Republicans and of the same political faith as Mr. Bock. As requested by you, I am inclosing a copy of the report of these inspectors, also Exhibits A, B, and C. It requires but a reading of this report to show that the inspectors making the investigation were not only broadminded, but absolutely just and fair in their conclusions. The report also shows how groundless is Mr. LEHLBACH's statement. Mr. Bock was perniciously active in politics, and his actions are a matter of record and the record speaks for itself. It shows that he not only violated the orders of the department which had been issued by a Postmaster General of his own political faith, but during the time he was postmaster solicited contributions for political purposes and disbursed the funds so collected. It is true, as charged by Mr. LEHLBACH, that one of these inspectors has since been promoted. The inspector referred to is Mr. Mosby, who was only recently appointed inspector in charge, and appointed solely because of his record, not only as a fearless investigator but one who did not hesitate to present the facts as disclosed by his investigations. There can be no question that Mr. Bock was guilty of pernicious political activity; that he has not only violated orders issued by a Postmaster General of his own political faith, but his actions were highly repugnant to and in violation of the very principle of civil service. At a time when the administration is endeavoring to remove these positions as far from political patronage as possible, to appoint a man guilty while holding office of such pernicious actions, of which Mr. Bock is clearly shown to be guilty, would be in violation of the spirit and letter of the Executive order issued by the President on March 31, 1917.

Very sincerely,

A. S. BURLISON,  
Postmaster General.

REPUBLICAN COUNTY COMMITTEE OF ESSEX COUNTY,  
Newark, N. J., July 15, 1912.

DEAR SIR: The Republican county committee of the county of Essex is preparing for an active and aggressive campaign for the reelection of President William Howard Taft and Vice President James Schoolcraft Sherman.

The election of the entire Republican ticket in the city, county, State, and Nation is of the utmost importance to those who believe in representative government and in the principles of the Republican Party.

The legitimate expenses in this county of a campaign of this kind are necessarily heavy, and these expenses must be met by voluntary contributions. If you believe in the great Republican principle of protection to American industries, and desire to maintain the integrity of the Republican Party, you are earnestly requested to make as large a contribution as possible.

By giving this your prompt, thoughtful, and favorable consideration you will greatly aid and encourage this committee.

Very truly, yours,

FRANK J. BOCK, Treasurer.

Please make checks payable to Frank J. Bock, treasurer, Strauss Building, Newark, N. J.

Subject: Charges against the postmaster, Newark, N. J.  
Case No. 250114-C. H. B. Mosby, W. B. Robinson.

WASHINGTON, D. C., May 19, 1913.

THE CHIEF POST-OFFICE INSPECTOR,  
Washington, D. C.

SIR: We have the honor to return herewith the above-numbered case, which relates to charges that the postmaster, Frank J. Bock, at Newark, N. J., "has been neglecting his official duties in the interest of a real estate business and other projects in which he is concerned, and that for



a long period of time after his appointment as postmaster he retained the position of treasurer of the Essex County Republican committee and in said capacity was particularly active in politics," and we present the following report as the result of a personal investigation at the office named from the 13th to 16th instant, both dates inclusive:

As to the charge of neglecting his official duties in the interest of a real estate business and other personal projects, the investigation developed that the same was not well founded. Interviews with employees and patrons of the office disclosed that the postmaster has devoted, since he assumed charge of the office, about six hours daily to his official duties. While he has no fixed office hours, as a rule he reports at the office about 9 a. m. and remains thereat until noon, returns to the office about 2 p. m. and remains until 5 p. m., and frequently visits the office in the evenings after business hours.

The official duties performed by him consist of general supervision of all divisions of the office; personal attention to complaints by the public and to all correspondence of importance; reviewing reports and financial statements of the office; selecting employees and assigning their duties; the discipline of employees and presiding at semimonthly conferences of the various supervisory officers for considering ways and means of improving the local service; and making daily tours of the workroom and the various divisions of the office. It might also be stated that he has, since January 1, 1913, given much personal attention to the inauguration and handling of the parcel-post system.

From careful inquiry and observation we are satisfied that, as a result of the intelligent personal attention the postmaster has devoted to the office, there has been much improvement in the service, and this is a subject of frequent favorable comment on the part of the employees and the public.

As to the attention he devotes to his private business, we found that the time he thus consumes would average probably two hours daily, and that his private business does not require his daily attention. He has charge of the sale of the residential lots of a real-estate company, which some years ago laid out a large tract of land, but most of the lots have since been sold; and Mr. Frank B. Sinnott, a real-estate agent and candidate for the postmastership, stated to us that in his opinion the small amount of unsold lots required but little of the postmaster's attention. The postmaster's stenographer, who impressed us with his apparent truthfulness, said the postmaster did not give in excess of two hours daily to his private business, and this was either in the mornings before office hours or at lunch time; that the real-estate business was not conducted at the post office, and he had not written for the postmaster any letters pertaining thereto.

Referring to the charges of political activity, the postmaster has been for a number of years one of the leading Republican politicians of the city of Newark and county of Essex, N. J., and is generally so recognized. He was appointed postmaster January 16, 1912, and assumed charge of the office February 9, 1912, at which time he was acting treasurer of the Republican county committee of the county of Essex and chairman of the Republican county committee of the ninth ward, Newark, N. J. These positions he continued to hold, and on October 1, 1912, was regularly elected to the office of treasurer of the Republican county committee. In the capacity of treasurer and war chairman he served actively throughout the presidential primary campaign in the spring of 1912, and the presidential and municipal campaigns in the fall of that year. He resigned the treasurership of the county committee December 27, 1912, and chairmanship of the Ninth Ward February 28, 1913. An examination we made of the minutes of the Essex County Republican Committee established these facts. As treasurer of the Essex County Committee, Mr. Bock solicited campaign funds by means of circular letters, bearing his stamped signature as treasurer, one of which we secured and submit herewith as Exhibit A. He disbursed, by means of checks bearing his signature, the funds of the committee and handled all finances pertaining thereto. However, there was no evidence adduced that any circular, bearing his name as treasurer and soliciting political contributions, was sent to any post-office employee at Newark, N. J., or that he, while postmaster, attempted to influence any of the employees politically. He also attended the regular monthly meetings of the committee as an officer thereof, and was present at call meetings for the discussions of party matters, such as the making of a slate of delegates to political conventions and a slate of candidates for municipal offices of the city of Newark. He participated vigorously in the discussions at such meetings, according to the statement of the recording secretary.

As chairman of the ninth ward Republican committee he called meetings of the ward committee and presided thereat; he recommended to the county committee persons for appointment as challengers and workers, and at the elections of 1912 and at previous elections he was active in supervising the efforts of poll workers and others employed in like capacity. In the ninth ward he is and has been the recognized active leader of the Republican Party. These facts were obtained from personal interviews with various Republican leaders in Newark, some of whom are personal and political friends of the postmaster; from officers of the committee, and from prominent members of opposite political faith.

The postmaster admitted that he had been an active political leader up to the time of his appointment as postmaster, but denied any activity since that time, claiming that he held the position and performed the duties of committee treasurer in a perfunctory way. However, he stated that he, as ward chairman, called the political meetings and presided thereat, but this, too, in a perfunctory manner; and he did not deny that he received political contributions and signed all checks in payment of bills incurred by the county committee.

As bearing upon the credibility of the postmaster's statement to the effect that after his appointment as postmaster his position as treasurer and the performance of the duties incident thereto were merely perfunctory, it is worthy of some notice that the members of the county Republican committee regarded the position of treasurer as filled by him as being so "perfunctory" as to merit his reelection on October 1, 1912. After his appointment as postmaster he stated he considered the advisability of resigning as ward chairman and county committee treasurer, but was persuaded by the county chairman, Mr. Dalrymple, to hold the positions until after the fall election.

As further evidence of the postmaster's active participation in politics since his appointment as postmaster, we submit herewith notices (Exhibits B, C and D) of three different Republican committee meetings called by the county chairman, Alfred D. Dalrymple, and John R. Flavell, secretary, under dates of August 14 and October 12, 1912, the headings of which bear conspicuously the name of Mr. Bock and other officers of the committee. Mr. Bock was present and voted at the afternoon meeting of August 14, 1912 (Exhibit B), when the candidacy of certain favored persons for the Republican nomination for various county and municipal offices was indorsed by the executive committee.

We interviewed numerous persons of political and business prominence in the county of Essex, from whom the facts herein set forth were obtained, some of the more prominent persons being as follows:

Simon P. Northup, title officer, Prudential Building.  
John F. Sinnott, real estate dealer and Democratic eleventh ward chairman.

John M. Rodabek, automobile commissioner.  
B. W. Terlinda, publisher and ninth ward Democratic chairman.  
Jerome T. Congleton, member Republican county committee, eleventh ward chairman.

John R. Flavell, secretary of county Republican committee.  
D. F. Gavin, recording secretary Republican county committee.  
E. Tracy Lauterman, newly appointed postmaster, East Orange, N. J.  
Fred T. Sticler, superintendent of mails.  
William F. Cyphers, assistant postmaster.

Each of the above-named persons stated that it was the general understanding that Mr. Bock was one of the three or four active and influential Republican leaders of Essex County, and that he was very active during the 1912 political campaigns in furtherance of the interest of the party and its candidates.

Mr. Terlinda, Democratic ward chairman of the ninth ward, stated that on election day in the fall of 1912 Mr. Bock rode over the ninth ward consulting with and advising the Republican workers, and that he was the recognized active Republican leader of that ward.

Jerome T. Congleton, a member of the Republican county committee in 1912, stated that Mr. Bock participated in the committee meetings and party conferences and caused the ninth ward Republican committee, of which he was chairman, to indorse the candidacy of John L. Reid for mayor, and secured for him a like indorsement of the county committee as against Louis V. Aaronson.

D. F. Gavin, recording secretary of the Republican county committee, and a warm personal friend of the postmaster, stated that Mr. Bock regularly attended, during 1912, the meetings of said committee and actively participated in the political discussions which occurred thereat; that his political activity during the 1912 campaigns was greater than that of the chairman of the committee, Mr. Dalrymple; that as treasurer of the committee he collected money for campaign purposes and for the expenses of the committee; that he was also chairman of the ninth ward Republican committee during 1912, and his duties as such consisted of calling meetings of the committee and presiding thereat, of selecting election workers, of seeing that measures were taken to insure the proper organization of the Republicans of the ward, and their active participation in the campaign; that Mr. Bock was active in his ward on election day in the fall of 1912 advising the workers; that it was Mr. Bock's efforts that secured the executive committee's indorsement of the candidacy of Mr. Reid for the Republican majority nomination; and that he was influential in organizing the Taft Republican Club and was president thereof in 1912.

Charles Meyer, stenographer in the postmaster's office, stated with reference to the postmaster's political activity, that in company with Mr. Dalrymple and other party leaders the postmaster attended the Chicago convention in June, 1912; that at the request of the postmaster he wrote and mailed for one Rodriguez, during office hours, several letters of invitation to a reception to be given in honor of the candidates for delegates to the Republican national convention at Chicago (Exhibit E); that he had noticed stationery of the county committee on the postmaster's desk; that it is generally understood that the postmaster and three or four others are the political leaders of Newark; and the assistant postmaster, Mr. Cyphers, while having little knowledge of political affairs, stated that the postmaster was regarded as one of the political leaders of the county.

The facts disclosed by the investigation reveal that Frank J. Bock, postmaster at Newark, N. J., was particularly active during 1912 in politics as an officer of the Republican county committee and also as an officer of two other political organizations; that his activity did not cease, and that he did not resign his political positions until the campaign of last year had been terminated. His actions in this respect have been prejudicial to the best interests of the service; have been contrary to the spirit of the civil-service law and rules, and directly opposed to the long-established policy of the department as set forth in a letter of the Postmaster General, inclosed herewith, dated November 20, 1906, to the President of the Civil Service Commission, in which it was stated:

"You are informed that it is not the practice of this department to prohibit postmasters from holding positions as members of political committees, but it does prohibit them from serving in the capacity of officers of such committees."

Said letter was embodied in the "Civil Service Act, Rules and Executive Orders, edition of June, 1908," and on page 32 of said pamphlet it was stated, being an extract from Executive instructions of July 14, 1886:

"The influence of Federal officeholders should not be felt in the manipulating of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns."

Therefore we recommend the removal of the postmaster and the closing of the case. Form 577 is submitted herewith.

Very respectfully,

H. B. MOSBY,  
W. B. ROBINSON,  
Post Office Inspectors.

#### EXHIBIT B.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,  
Newark, N. J., August 14, 1912.

DEAR SIR: A special meeting of the executive committee of the Republican county committee will be held at headquarters, corner Halsey and Academy Streets, Newark, N. J., on Monday afternoon, the 19th day of August, at 4.30 o'clock sharp.

You are earnestly requested to be present.

ALFRED N. DALRYMPLE, Chairman.  
JOHN R. FLAVELL, Secretary.

#### EXHIBIT C.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,  
Newark, N. J., August 14, 1912.

DEAR SIR: A special meeting of the elective members of the county committee will be held on Monday evening, the 19th instant, at 8 o'clock sharp, at headquarters, Strauss Buildings, Halsey and Academy Streets,



Newark, N. J., for the purpose of suggesting candidates for nomination to be voted for at the primary on September 24 next.

Every member is earnestly requested to be present.

Respectfully, yours,

ALFRED N. DALRYMPLE,  
Chairman Republican County Committee.  
JOHN R. FLAVELL,  
Corresponding Secretary.

#### EXHIBIT D.

REPUBLICAN COUNTY COMMITTEE OF THE COUNTY OF ESSEX,  
Newark, N. J., October 12, 1912.

You are cordially invited to attend a Republican mass meeting to be held at Krueger's Auditorium, Belmont Avenue, Newark, on Tuesday evening, October 15, 1912, at 8 o'clock.

Hon. Edmund W. Wakelee, chairman of the Republican State committee, will preside.

Hon. Chauncey M. Depew, the world-famed orator, will speak.

Addresses will also be made by Louis V. Aronson, Republican candidate for mayor of Newark, and the Republican city, county, and congressional candidates.

Music by Voss's band. Ladies invited.

ALFRED N. DALRYMPLE, Chairman.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. STEENERSON. Will the gentleman withhold that for a moment? I want to make a motion with reference to the Hawaiian post-office bill.

Mr. WALSH. I withhold the point for a moment.

#### POSTAL SERVICE IN HAWAII.

Mr. STEENERSON. Mr. Speaker, I desire to call up from the Speaker's table the Hawaiian post-office bill, H. R. 7972, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota calls up the bill (H. R. 7972) to improve the administration of the postal service in the Territory of Hawaii, with Senate amendments, which the Clerk will report.

The Senate amendments were read.

The SPEAKER. The gentleman from Minnesota moves to concur in the Senate amendments.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman a question. Is not the postmaster at Honolulu getting \$4,000 a year now?

Mr. STEENERSON. No; he is not. He is getting \$3,600, and this bill provides for making branch nonaccounting offices of all the other post offices in the islands, which will increase the work of the postmaster at Honolulu, in the opinion of the Postmaster General, so that he is entitled to \$4,000. The Postmaster General approves. The gentleman from Hawaii [Mr. KALANIANAOLE] is present, and he asks me to make this motion.

The SPEAKER. The motion is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Mr. WALSH. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present. In the opinion of the Chair no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following-named Members failed to answer to their names:

Ackerman	Dallinger	Graham, Ill.	Lee, Ga.
Andrews, Md.	Darrow	Griest	Leshner
Anthony	Davey	Griffin	Linthicum
Bakka	Davis, Minn.	Hardy, Tex.	Little
Bacharach	Dempsey	Haugen	Luce
Baer	Dewalt	Hersman	McAndrews
Bell	Dooling	Holland	McArthur
Benson	Dorman	Houghton	McClintic
Bowers	Doughton	Hull, Iowa	McKenzie
Brand	Dupre	Husted	McKinley
Britton	Dyer	Hutchinson	McLaughlin, Nebr.
Brooks, Pa.	Echols	Ireland	McPherson
Browning	Edmonds	Jeffers	Magee
Brumbaugh	Elsworth	Johnson, S. Dak.	Maher
Buchanan	Emerson	Johnson, Wash.	Mann
Burke	Ferris	Johnston, N. Y.	Mansfield
Cadwell	Flood	Jones, Pa.	Mason
Cantrill	Focht	Juhl	Mead
Caraway	Foster	Kendall	Merritt
Carew	Frear	Kennedy, Iowa	Montague
Casey	Fuller, Ill.	Kennedy, R. I.	Mooney
Chandler	Fuller, Mass.	Kettner	Moore, Ohio
Clark, Fla.	Gallagher	Kloss	Moore, Pa.
Classon	Gallivan	Kincheloe	Moore, Ind.
Clary	Gandy	Kleczka	Morin
Collier	Garrett	Kreider	Mott
Costello	Goldfogio	LaGuardia	Murphy
Crago	Goodall	Langley	Neely
Crowther	Goodykoontz	Larsen	Nelson, Wis.
Currie, Mich.	Gould	Layton	Nicholls, S. C.
Curry, Calif.	Graham, Pa.	Lea, Calif.	Nichols, Mich.

O'Connor  
Olney  
Osborne  
Paige  
Parker  
Pell  
Peters  
Platt  
Porter  
Purnell  
Radcliffe  
Raney, H. T.  
Ramsey  
Reber

Reed, N. Y.  
Riordan  
Robison, Ky.  
Rowan  
Rowe  
Sanders, N. Y.  
Saunders, Va.  
Schall  
Scott  
Scully  
Sells  
Siegel  
Sisson  
Slomp

Smith, Ill.  
Smith, N. Y.  
Smithwick  
Snayder  
Steele  
Stephens, Miss.  
St. Stephens, Ohio  
Strong, Pa.  
Sullivan  
Swope  
Taylor, Ark.  
Taylor, Tenn.  
Thompson  
Tinkham

Upshaw  
Valle  
Vare  
Venable  
Ward  
Watson, Pa.  
Webb  
Welting  
Wilson, Ill.  
Wise  
Wood, Ind.  
Woodyard  
Wright

The SPEAKER. Two hundred and forty-eight Members have answered to their names; a quorum is present.

Mr. FESS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### INDUSTRIAL VOCATIONAL REHABILITATION.

Mr. FESS. Mr. Speaker, I call up the bill H. R. 4438.

The SPEAKER. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Madden in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Mr. WALSH. Mr. Chairman, I desire to be recognized in opposition to the bill.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. WALSH. Yes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent—

Mr. WALSH. I am not asking unanimous consent; I am asking to be recognized.

The CHAIRMAN. The Chair was inclined to think that disposition could be made of the entire hour and a quarter.

Mr. CLARK of Missouri. Mr. Chairman, I would like to inquire if the gentleman is on the committee?

Mr. WALSH. No.

Mr. CLARK of Missouri. Is the gentleman opposed to the bill?

Mr. WALSH. I am.

Mr. CLARK of Missouri. Is there no member on the committee opposed to the bill?

Mr. WALSH. You can rake the committee with a fine-tooth comb and find nobody opposed to the bill.

Mr. CLARK of Missouri. I have no objection.

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. Treadway].

Mr. TREADWAY. Mr. Chairman, this bill first came to the attention of the House as a body day before yesterday although introduced some time ago. I have been busy with other matters since then and have not been able to give the bill a very careful study, and therefore I ask the indulgence of the House so far as the nature of my remarks in connection with it.

I favored the soldiers' rehabilitation bill. The other day, in the course of a discussion, reference was made to a comparison between the soldiers' bill and this bill, and some of the testimony before the committee appears to imply that this would be regarded as supplementing that legislation. There is absolutely, in my opinion, no comparison between the two measures. We were under obligations, in honor bound, to do everything possible for the returning soldiers, especially those physically disqualified for the continuance in the pursuits in which they may have been engaged previous to entering the service. That is a Federal Government duty.

We as representatives of the people are called upon to pass suitable legislation for their rehabilitation so far as it is in our power to do so. But to draw any comparison between that bill and this is to my mind absolutely begging the question. There is no reason why this bill should have any status before the Congress because we have voted for the soldiers' bill.

I am opposed to this kind of legislation, particularly at this time. It would seem to me that there could be no more inopportune time than the present to call up a bill of this nature when the very board in whose hands the execution of this legislation is to be given is under great criticism, rightly or wrongly I will not say, but they are certainly under great criticism to-day for their failure to have executed in a proper manner the legislation already intrusted to them. There can be no question

about that. We read it every day in the press, and the Committee on Rules has now under consideration a resolution for investigation.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SMITH of Michigan. What board does the gentleman refer to, the Vocational Educational Board?

Mr. TREADWAY. The Vocational Educational Board, in whose hands would be placed the carrying out of this law.

Mr. SMITH of Michigan. The gentleman does not mean the Soldiers' Rehabilitation Board.

Mr. TREADWAY. I mean the original board. Let me call attention to one or two particular figures of the bill before us. In the first place, the bill was in the last Congress, and it would seem to me that by this time it could have been properly considered by such a leading committee of the House as the Committee on Education, and presented to us in a good form.

I note that in line 4, page 1, this legislation is to apply to persons disabled, but I find no designation of what would constitute a disabled person, nor who is to decide as to that disability. There is no definition except in general terms, no provision in the bill itself in any way defining disability. That seems to me to be a very important omission in the construction of the bill.

In section 2 we find another great objection to the phraseology of the bill. It may conform to former methods of legislation, but it directly prescribes the manner in which the legislation must be passed by the States to have the so-called benefit of this legislation.

In all our States the methods of procedure varies, and it strikes me, from line 16 in paragraph 3, the absolute designation of the kind of legislation that must be passed by the State is subject to grave criticism.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. TREADWAY. Yes.

Mr. BANKHEAD. Did the gentleman vote for the Fess-Hughes Vocational Educational Board?

Mr. TREADWAY. I did.

Mr. BANKHEAD. I would state to the gentleman that the same provision is in that.

Mr. TREADWAY. I understand that it is a standing provision, where there is cooperation, and I will touch upon that point later. We are getting to a very close approximation, in a great deal of legislation, of paternalistic control in Congress over State affairs, and therefore we may have to adopt some such legislation as is in this clause if this method of cooperation is to be continued between the States and the Federal Government. It is a mighty attractive sort of proposition to put up to the States to say to them, "If you will put up one dollar, the Federal Government will put up another to match it"; and that is exactly what this proposition is. You are trying to induce us, as Representatives from various States, to be able to say to our State legislatures that the Federal Government is the most liberal sort of organization going; that it will match every State dollar with a Federal dollar. But whose dollar is that that you are going to match it with? It is the money of the taxpayers of those various States, and nothing else. We have had several illustrations of this kind of legislation—of matching dollar for dollar. You are simply asking the taxpayer of your State to pay out just that much more money, and you are matching it, dollar for dollar, in the taxation scheme.

There is no question in the world that if we are to have legislation of this kind it should be handled by the States themselves. I think the State of Massachusetts was among the first to adopt the workmen's compensation act. As I recollect, that act was in 1911 declared constitutional by the supreme court of our State. One or two other States had previously adopted a workmen's compensation act, I think New Jersey and New York, and possibly others.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BEE. If we pass this bill, what becomes of the workmen's compensation acts and the procedure in the various States?

Mr. TREADWAY. I was coming to practically the point of the gentleman from Texas. Somewhere in support of this bill I have seen reference to the statement that this is a corollary and supplements the workmen's compensation act, and should be under the control practically of the same sort of a board that handles the workmen's compensation act.

We have advanced rapidly in the workmen's compensation legislation in the various States. There are now 38 States that have such legislation. If this should supplement the work-

men's compensation acts, the fact that the States have established the workmen's compensation acts is absolute argument for the continuation by that same sort of a board with the States. The States should pass this legislation rather than the Federal Government.

Mr. BEE. Unless this legislation is amended, will not the effect of it be to substitute this law in the States for the various workmen's compensation acts?

Mr. TREADWAY. I should think it was open to that criticism.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. May I have two minutes more?

Mr. WALSH. I yield the gentleman two minutes more.

Mr. TREADWAY. Mr. Chairman, I want to call attention to another section, section 5, where there is appropriated \$100,000 this year and \$150,000 in future years, for investigations and studies. That simply means that you are putting a number of men on the pay roll for that sort of investigation, so called.

Mr. GARNER. Propaganda.

Mr. TREADWAY. It is a propaganda, as my friend from Texas says, and has nothing to do with the rehabilitation of men injured in industrial pursuits. You are asking for appropriations reaching up to a million and half a year. In other words, for that sort of a propaganda you are going to have 10 very good positions from \$5,000 down—

Mr. HULINGS. Fifteen.

Mr. TREADWAY. Fifteen positions?

Mr. HULINGS. Yes.

Mr. TREADWAY. Well, whatever the number is, for the handling of a million dollars. It is entirely out of proportion.

There has been no call for this legislation so far as the hearings go. A few educators, a few interested in this same sort of vocational education, appeared before a joint committee in the last Congress. No big industries are represented. This matter can be absolutely handled and cared for by the States. There is no public call that it should be taken over by the Federal Government.

In view of the effort to establish good, big positions, and the disproportion of the amount used for investigations, together with the drawbacks that I have pointed out in the phraseology of the bill, I am thoroughly convinced that this is bad legislation and ought not to be enacted at this time.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAPES having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

The message also announced that the Senate had passed without amendment the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.

#### INDUSTRIAL VOCATIONAL REHABILITATION.

The committee resumed its session.

Mr. FESS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, it would be impossible for me within the limitation of 10 or 15 minutes to undertake a complete analysis of the provisions of this bill and the purposes sought to be accomplished under its operation. For a number of years I have thought it a strange thing that no definite and concrete policy had ever been inaugurated either by State or the Federal Government to retrain for useful and gainful employment the multiplied thousands of men and women of this Nation who become permanently crippled through industrial or occupational accidents. This necessity was presented at the hearings on the bill for the vocational retraining of disabled soldiers, but it was thought not expedient to incorporate the industrial cripples' feature in that bill. So impressed was I with the great economic and humanitarian appeal that legislation of this nature carries that in the Sixty-fifth Congress I introduced House bill 12880, which is, with only a few changes in terms, the bill we are now considering. I again introduced it early in the



Sixty-sixth Congress, and at both sessions the bill was favorably reported by a unanimous vote of the Committee on Education.

The gentleman from Massachusetts [Mr. TREADWAY] said that there did not seem to be any general demand for legislation of this character. I assert to the membership of this committee that that was one of the impelling reasons that convinced the committee after hearings of the urgent necessity for the immediate passage of a bill of this kind. The very fact that legislation of this kind has heretofore been ignored, the fact that there are in the United States of America to-day a total of 300,000 industrial cripples, for whom heretofore no coherent or concerted action has been taken by State, municipal, county, or Federal Government, the fact that there came before our committee representatives not only of all the great manufacturing institutions of the United States, representatives of the eleemosynary institutions of the country, who are interested in philanthropic institutions, representatives of organized and unorganized labor, sufficiently convinced the committee of the urgent necessity for this legislation. In fact, there appeared before the joint hearings on this bill representatives of every class of our people, who showed us the urgent necessity for decisive and immediate legislation upon this great problem. Among them were Dr. R. M. Lieter, director American Museum of Safety; Charles H. Verrill, United States Employees' Compensation Commission; Samuel Gompers, president American Federation of Labor; Frederick W. Keough, president National Association of Manufacturers; John B. Andrews, secretary American Association for Labor Organization; John Mitchell, chairman New York Industrial Commission; Arthur E. Holder, representative of labor on Federal Board; Douglas C. McMurtrie, director Red Cross Institute for Crippled and Disabled Men of New York.

Now, what is the problem with which we have to deal? For years and years we have had going on in this country in our industries, in our manufacturing establishments, on our farms, in our mines, on our railroads, an annual toll of permanent cripples that amounts to staggering figures. Gentlemen of this committee would probably be amazed at the number. I regret I have not time to go into an analysis of them for the various occupations, and a statement of the astounding number of these disabled men and women there are in this country to-day, amounting at least to 300,000 and increasing annually all the time, more than 50 per cent disabled in their earning capacity. Now, what is the character of moral and national duty that we owe to these people, if we owe them any? Why, when our soldiers went to the front there was no man here who said we did not owe a duty to retrain those who came back disabled, because they were serving their Government in a great national crisis.

But you take these men and women covered by this bill, were they rendering any service to the Government? Why, they are composed of people of every element of our citizenship, of men who are injured upon railroads carrying on the transportation facilities of the country absolutely necessary for its economic and industrial life; men injured down in the bowels of the earth, working in the coal mines to produce fuel which will sustain the life of the Nation against the rigors of winter; and women, if you please, all over this country working in the shops to earn an honest living for themselves and their families; and a great preponderance of these, hundreds of thousands who are business men, men with families dependent upon them. What is the result when they are disabled? Not only the enormous economic loss that ensues because of the loss of their earning capacity, but in addition to that loss they become a positive charge in a great number of instances either upon charity or the generosity of the community in which they live. They compose the aggregate in industry in this country, my friends, who have become not by their own choice but by some misadventure so crippled that they can not earn a living. What does this bill propose? That the Federal Government shall take charge of them and educate them? Not at all. The bill expects national leadership, but the real burden will be upon the States. There are any number of precedents for that policy. Take the Smith-Hughes vocational educational bill, passed a few years ago, that has now been adopted by every one of the 48 States of this Union. What did that provide for? That bill—and the gentleman from Massachusetts voted for it, and I doubt not the other opponents of this measure voted for it—provided that the Government should cooperate with the States for the education of normal pupils in the schools, not crippled, not unfortunate, not maimed, not handicapped, but in the possession of their normal faculties. Why? Because this Government recognizes that the progress and prosperity of this Nation depends upon the aggregate intelligence and efficiency of its citizenship. Therefore we appropriated a million dollars a year under that bill, to be distrib-

uted to the States in proportion to their population, like we propose in this bill for this purpose. To educate the youth of this country along the line of intelligence and efficiency, avocations and pursuits. Now, what does this bill propose to do? To follow exactly the same principle of legislation. The purpose of this bill is not so much for the money that may come out of the Federal Treasury, but the main purpose is to give Federal leadership and inspiration and stimulus to this great movement. The result, when it is put into effect, will be like that of the Smith-Hughes bill, under which already 200,000 pupils of this country are in vocational schools learning to increase their efficiency.

Mr. WALSH. Will the gentleman yield for a question?

Mr. BANKHEAD. I will.

Mr. WALSH. Does the gentleman contend that because the States have not performed their duty toward its unfortunates that therefore that duty rests upon the Federal Government to do it?

Mr. BANKHEAD. Why, if the States had failed to perform their duty in the building of good roads, the Federal Government went to their assistance; and in regard to agricultural extension, the Government went to their assistance under the provisions of the Smith-Lever bill. In the case of the land-grant colleges, this Nation bestowed an aggregate of its lands to the extent of millions and hundreds of millions of acres to aid the primary education of the public schools of this great country. The following summary discloses what the Federal Government has done directly to aid primary and higher education:

*Total of national grants for education.*

[From Monroe's Cyclopedia of Education, article on "National Government of the United States and education."]

Grant and purpose.	Acres granted.	Fund derived from sales.	Probable future income. <sup>1</sup>	Total income.
<b>1. For common schools:</b>				
Sections for schools.....	\$1,064,300	\$103,000,000	\$410,000,000	\$513,000,000
Saline grants.....	900,000	1,000,000	.....	1,000,000
Five per cent of land sales.....	.....	7,187,316	7,000,000	14,000,000
Surplus revenue.....	.....	14,000,000	.....	14,000,000
Internal improvement act.....	5,000,000	6,000,000	8,000,000	14,000,000
Swamp-land grants.....	45,000,000	15,000,000	2,000,000	17,000,000
Forest reserve per cent.....	.....	1,000,000	25,000,000	26,000,000
Total.....	131,964,300	147,187,316	452,000,000	599,000,000
<b>2. Aid for higher education:</b>				
University grants.....	3,407,643	5,000,000	27,500,000	32,500,000
Land-grant colleges—				
Grants of land.....	11,367,832	13,736,178	25,000,000	39,000,000
Experiment station grants.....	.....	14,000,000	30,000,000	44,000,000
Laws 1890 and 1907.....	.....	23,920,000	62,500,000	86,420,000
Total.....	14,775,475	56,656,178	145,000,000	200,920,000
<b>3. Grants for other types of schools:</b>				
Normal schools.....	1,500,000	2,500,000	17,500,000	20,000,000
Deaf, dumb, and blind.....	500,000	.....	5,600,000	5,600,000
Reform schools.....	500,000	.....	5,000,000	5,000,000
Total.....	2,500,000	2,500,000	28,100,000	30,600,000
<b>4. Summary of grants.....</b>	<b>149,239,775</b>	<b>206,343,494</b>	<b>725,100,000</b>	<b>829,520,000</b>

<sup>1</sup> Calculated for 20 years from 1911 at present rate of increase.

<sup>2</sup> These totals are not the correct sums of the items, but are given as shown in the work cited.

And that is one reason why the Government should undertake it, because no other institution or agency or political subdivision up to this hour has. What is the result? Why, we have this enormous wastage in our industrial life. It amounts annually in loss of earning capacity to \$100,000,000. You have seen these beggars with little tin cups in their hands on the street, or selling pencils, or in the poorhouse. You have seen these people maimed and handicapped; and what we propose to do here—

Mr. GARLAND. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. GARLAND. I will state to the gentleman that the State of Pennsylvania has this sort of a bill at work.

Mr. BANKHEAD. I am glad to hear it. This will only be an additional amount to go to them. Now, who controls the operation of this measure? It is not the Government taking charge of State affairs. If you will read the bill you will find that the State board of vocational education or State board of Federal compensation shall be in actual control of the retraining; and this answers the question of my friend from Texas. This does not handicap in the slightest degree the operation of State compensation now, but only provides where there are compensation boards that the legislature of the State shall pass proper laws to make them assistants in the administration of this law within the State. That is all.



The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield the gentleman five minutes additional.

Mr. OLIVER. To what extent will the appropriations carried by this bill really give relief to the 300,000 cripples of the country, and how is the money carried in this appropriation to be expended by the different States?

Mr. BANKHEAD. If my friend will read section 1 of the bill, on page 3, he will see that it provides that the funds provided shall be expended in the State under the supervision or control of the State board.

Mr. OLIVER. Take, for instance, Alabama; and that State will be entitled to about \$17,000 out of this appropriation; and it is not intended that the board and lodging of those who are taking training shall be paid out of this sum, and yet it seeks to offer benefit only to those who are unable to give the training to themselves. How would the \$17,000 provide any adequate aid to any large number of cripples in our State?

Mr. BANKHEAD. I will say to my friend that it is a meager beginning, but the real burden is put on the States. If they want to make it effective, they have got to help. The Federal appropriation is limited, and I anticipate the same experience that we had with land-grant colleges all over the country. The gentleman from Ohio [Mr. Fess] pointed out that at least twenty times more has been spent by each State than has been spent by the Federal Government in those great institutions of learning. The States are not compelled to accept the provisions of this act if they do not wish to do it. It is entirely optional with a State whether it desires to accept the benefits of this legislation. As I stated, the main purpose of the legislation is to start and give stimulus and dignity to the leadership in this great humanitarian purpose.

Mr. BLACK. If the gentleman will permit, I would like to ask him a question on just one phase of the bill. It provides that this relief shall only be extended to those who are injured in certain cases. If a man is disabled by any sort of action, why should he not come under the provisions of this bill?

Mr. BANKHEAD. The purpose of this bill, I will state to the gentleman, is to give any man who may be injured in any form of legitimate occupation or enterprise an opportunity to take advantage of it.

Mr. BLACK. Why should it be necessary he should be in an active pursuit?

Mr. BANKHEAD. There was a difference of opinion whether it should not embrace people of all classes, people suffering from occupational diseases, like tuberculosis, and so forth, but the majority thought it unwise to extend the field that far, and so we put reasonable limitations upon the purposes of the bill.

Mr. TREADWAY. Will the gentleman yield?

Mr. BANKHEAD. For a brief question.

Mr. TREADWAY. I would like to ask if this pamphlet, the joint hearings, which I hold in my hand, contains all of the hearings held on the bill?

Mr. BANKHEAD. Yes; in substance. In the last Congress I introduced this bill and Senator SMITH of Georgia introduced it in the Senate. We had these hearings, and they covered every phase, as we thought, and the conditions are exactly similar now as they were then. Therefore we thought it unnecessary and unwise to hold additional hearings on this bill.

Mr. TREADWAY. I am not criticizing the committee's attitude. The gentleman in criticizing my statement that there was not a general call for such legislation as this denied that position and referred to the hearings. Now, I have carefully looked them over, and I find that 12 gentlemen testified. I would like to ask if he thinks those gentlemen represent the best sentiment of the country?

Mr. BANKHEAD. They practically represented every element of industry and society in the United States in a large sense. Of course, I do not mean in a specific and limited sense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Massachusetts asks the same privilege. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, it is with some hesitancy that I rise to oppose the bill sponsored by the distinguished gentleman from Ohio [Mr. Fess] and by my friend who has just left the floor. In asking for this legislation I know that

those gentlemen are actuated by no improper motives, and I feel sure that they, at least, are convinced that the legislation is proper. But I do believe, however, gentlemen, that it is possible for a good man to be carried away with his hobby. And I do not believe that an investigation of the hearings on this bill, that were conducted at the last Congress—there being no hearings during this Congress—and a realization of the time will justify this legislation. And for that reason, at this time, I desire to speak against the bill.

There can be no question but that if this legislation is right we should take the further step and offer the vocational training and rehabilitation to the man that becomes sick and afflicted by reason of his service in these institutions, the same as the man who is crippled. And if the principle here is right, the Federal Government should take charge of all State affairs. Take the State of Kansas, for instance, and we have a compensation act, under which it is supposed to take care of these cases. Our law is supposed to be just and equitable in those cases. While there is not any money appropriated by this bill for the care of the cripple, there is money appropriated to justify further investigations of his condition and to authorize a pay roll and a large number of appointees to go into those investigations.

Mr. FESS. Will the gentleman yield?

Mr. TINCHER. Gladly.

Mr. FESS. Does the gentleman use the term "appropriated" technically?

Mr. TINCHER. No; I do not mean to use it technically. I take it, however, if this Congress sees fit to undertake this legislation, that the appropriations herein authorized would, as a matter of course, follow from the Committee on Appropriations. And I would dislike to support a bill which mentions an appropriation or authorizes an appropriation unless I would be willing and glad to vote for that appropriation when asked for by the Appropriations Committee.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. FESS. What does the gentleman mean when he says that it does not appropriate anything for the training of the cripples, but does for the administration?

Mr. TINCHER. As I understand the measure, I say you take the man who is taken care of by the workmen's compensation act and he can not qualify under this act.

Mr. FESS. The gentleman is mistaken.

Mr. TINCHER. You say that the man who is taken care of by law under that can still say that he is disabled and unable to care for himself and can come under this act?

Mr. FESS. Will the gentleman yield again?

Mr. TINCHER. Yes.

Mr. FESS. The gentleman is incorrect in that statement.

Mr. TINCHER. My best understanding of this bill—and if I am wrong in it I want the gentleman from Ohio to correct me in his own time—is that it authorizes duplicate investigations. It authorizes the expenditure of money, just as we are prone to do here in Congress, where the State is already spending money for the same purpose. My understanding is, if the gentleman will pardon me, that it will take too much money to administer this law, and I believe I am justified in that position by reason of the attitude of the country to-day toward the board in which you invest the authority to administer this law. That board to-day is on trial, under the charge that it is incompetent to expend the money properly that is already appropriated to it.

If any individual were on trial, charged and accused by the people whose money he was spending that he did not know how to properly expend that money and was not properly expending it, you would hesitate about putting more responsibility and intrusting more money in the hands of that individual, and it is the same way with Congress in respect to an institution like this. Congress ought to hesitate about placing more money in the hands of this institution to expend. Congress would not think of doing such a thing in the case of an individual, and it should not think of doing it in the case of this board.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BANKHEAD. Has the gentleman heard any criticism of the Federal board because of its failure to carry out the Smith-Hughes Vocational Act, similar in character to this?

Mr. TINCHER. I have not; but I have heard of this Vocational Board conducting as many as three or four examinations on one soldier boy before admitting him to training when one examination ought to have been sufficient, and still withholding him from school on the ground that there was something wrong with him before he enlisted in the Army. I may say that since



then they have backed down and admitted that they reached that decision improperly.

The very day that this bill came before the Committee on Rules that committee was engaged in hearing testimony against this board; and now the Congress, which is supposed to reduce appropriations and revenues—

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Oklahoma?

Mr. TINCHER. No; I have but a moment. The gentleman can get time in his own right. We are starting an appropriation which we know is just a beginning. This is just a postage-stamp starter. Gentlemen know that if this Vocational Board, the same that is here now, starts in with this proposition, it will be here in a few months asking for millions of dollars of appropriations.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FESS. Has there been any increased demands upon the Federal Treasury by the land-grant colleges under the Smith-Hughes bill and under the Smith-Lever bill? This is fixed.

Mr. TINCHER. Will the gentleman permit me to make this answer? This board to which you are intrusting this proposition asked this Congress for \$6,000,000. You gave them four millions and a half. They asked for \$6,000,000 additional. The President said it was not enough. They are going now to ask Congress for \$21,000,000 for another proposition, when every soldier in the United States that I have had any dealings with says they are not carrying out properly the provisions of the law and are wasting the money that has already been appropriated. Until they are cleared of the charge that is being brought out now by the Committee on Rules I say that this Congress, which is supposed to be conservative and in favor of reducing taxes on the taxpayers of this country, ought to pause and consider this matter very carefully. I am opposed to this legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. Good].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. GOOD. Mr. Chairman, I realize there are many things that so appeal to the tender sympathies of every man that he would like to do something to aid in alleviating suffering wherever it may be found. The poor, the crippled, and the aged, who can not care for themselves, appeal to us, and appeal to us very strongly, indeed; but I am persuaded that the care of them ought to be provided for by the taxation of the several States, which have a power over taxation and the collection of money that the Federal Treasury does not possess.

Already I feel that we have gone far afield, especially when we view the condition of the Treasury of the United States as a result of the war. Prior to the outbreak of the war the bulk of our revenue was raised by indirect taxation, and a very large portion of it came from the tariff. For the calendar year 1917 3,500,000 men and women in America made income-tax returns. The most we ever raised in a single year by customhouse duties was \$334,000,000, and last fiscal year we raised only about \$184,000,000. I do not care how you adjust the tariff, you will probably never again get tariff duties that will bring in a sum more than the \$334,000,000 that was collected in the fiscal year 1910.

Why do not the States do this? Every State legislator, owing his place to the electorate of a county or a district, is apprehensive of that electorate when election day comes around if he has done anything to increase taxation. And yet you are about to take a step here now—and I assume that you will take it—that is going to mean increased taxation to the American people. We are going to talk about economy, but no man—I care not which side of the aisle he sits on—can in the next elections say anything about economy or criticize the lack of economy if he votes for a bill of this kind, which absolutely requires annual appropriations.

For two weeks the Select Committee on the Budget has been holding hearings, and we were often told that not all of the blame for appropriations was attached to the committees of Congress that have appropriating jurisdiction. Much of that responsibility originates with a legislative committee that brings in a new activity for the Government to carry on, and the proper appropriating committee is powerless to do anything except to follow the law and report out an appropriation.

Let us see what we have for this fiscal year, so far as education is concerned and what our appropriations are for that purpose. The cooperative agricultural extension act of May 8, 1914, carried a permanent appropriation of \$3,080,000. The Agricul-

tural appropriation act for this year enlarged that by \$1,500,000, making \$4,580,000 to be expended by the Government this year for that purpose.

The act of February 28, 1917, creating the Federal Board for Vocational Education, carried a permanent appropriation of \$3,182,000 for this year for cooperative vocational education. We have also appropriated for this year \$14,000,000 for vocational rehabilitation of soldiers and sailors. I do not complain about that. The board in that respect is doing a service which was caused by the war, and I want to do everything I can to give that board all the power and all the money necessary to make self-supporting citizens out of the boys who were unfortunate in that Great War, so that they can earn a livelihood.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. GOOD. For a question.

Mr. BANKHEAD. Does not the gentleman think that all the appropriations to which he has referred meet with the full and cordial approval of the American taxpayers?

Mr. GOOD. I do not know anything about that. I have not talked with them.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. GOOD. Yes.

Mr. MOORE of Virginia. I agree with the gentleman's view. Does he think any limit could be imposed if we once started upon the policy suggested here?

Mr. GOOD. There does not seem to be any.

Mr. MOORE of Virginia. Applied to insurance against accident, insurance against sickness, to old-age pensions, and almost everything that is conceivable that would appeal to human sympathy?

Mr. GOOD. The gentleman is entirely right. Here is a family of children. The father is sick, the mother is sick, and the children are dying of disease. Are we to withhold our support from them? Here is an old man or an old lady who has been a useful citizen. Shall we deny the support that will give them a livelihood? I undertake to say that these are subjects that appeal to the human heart; but in deciding them we must decide the functions of government, and I take it that it was never the intention of the founders of this Republic and the framers of the Constitution to provide that all of these services should be paid, no matter how worthy they might be, out of the Federal Treasury.

Mr. MOORE of Virginia. May I ask the gentleman another question? Has he heard any of the supporters of this bill specify any provision of the Constitution which can be taken as a source of the power that is contemplated to be exerted by this measure?

Mr. GOOD. No; and I have not heard of a Member of Congress outside of the Committee on Education who has received a single letter from his constituents urging this legislation. I will ask any gentleman to rise who has received any such letter.

Mr. NEWTON of Minnesota. I have.

Mr. NOLAN. I have received such letters.

Mr. ANDREWS of Nebraska. So have I.

Mr. CARSS. I have.

Mr. GOOD. Only four or five Members of the House out of the 435, except members of the Committee on Education, have received letters asking for this legislation.

Mr. CARSS. Are there 435 Members here to answer about that?

Mr. DUNBAR. Will the gentleman yield?

Mr. GOOD. No; I have only a little time.

As I have stated, the act of May 8, 1914, carries \$3,080,000 for this year. The act of February 28, 1917, appropriated \$3,182,000. We have appropriated \$14,000,000 for vocational rehabilitation. I had a report yesterday that the Board of Vocational Education had practically broken down; that it was overloaded with this work, and will admit that it can not perform it. Yet here is a bill which, according to the gentleman from Ohio [Mr. Fess], if all the industrial cripples should take advantage of it would throw 300,000 more persons upon it for consideration. Why, that board every week or two has many of the district officers not only write but wire the true records of field employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman three minutes more.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GOOD. No; I can not yield. And now you saddle upon this board, that has broken down and can not function, this enormous additional work. Read a recent statement of the American Legion, complaining that this Federal board has not functioned. After you enact this proposed bill and the soldiers and sailors complain of the failure of this board to care for them, point your finger to the act now under consideration and say to these boys that this bill made it impossible for the Federal board to function for them. The current Army appropriation



act carries \$2,000,000 for vocational training. The act making provision for the agricultural colleges and colleges of mechanic arts carries a permanent appropriation of \$2,500,000 for this year. All the acts I have enumerated make available for this year \$26,262,000 for educational purposes. Where is the money called for by this bill to come from? Every man who votes for it must recognize that he must vote for another tax upon the American people. I firmly believe that every bill we now pass making it necessary to appropriate money out of the Treasury in the future will compel the raising of that money either by the sale of bonds or by additional taxation. Here is legislation to accomplish an object which is desirable, but I say to you that the local authorities of the States and counties should always and must always be obligated to care for their sick, their poor, and their aged, if they can not earn a livelihood and have not been able to save anything upon which to live. Are we to take in all of these? The one appeals to me as strongly as the other. If we do, instead of \$1,000,000 a year, it will take \$100,000,000 a year and more to provide for them. Let us make the bill comprehensive. If we are going to lend support to one person because he is unfortunate, let us extend it to all our unfortunates and do it with an open hand. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FESS. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I am glad to give my support to this legislation, which proposes Federal aid in cooperation with the States in providing vocational training for those crippled in industry, with a view of enabling them to again engage in gainful and useful occupations.

No right-minded person will, I am sure, fail to sympathize with the objects and purposes of this legislation. There are, however, some who question the necessity, desirability, or wisdom of the Federal Government embarking upon this enterprise of vocational training for those unfortunately crippled in the world's activities. It is to this view of the matter that I shall address my brief remarks on the subject.

The views of a very great many people have undergone a change in the past few years relative to the responsibility of organized society to the helpless and unfortunate. More and more the world is coming to realize the duty that rests upon society as a whole to look after, care and provide for the weak, the helpless, and the unfortunate.

So far as these duties and responsibilities are to be met and performed through governmental agencies the primary responsibility is, of course, on the local and State governments. They are to a considerable extent responsible for the conditions which surround the citizen in his employment. They are on the ground and familiar with the conditions and armed with authority to deal directly with the situation.

All this being true, it is natural that it be urged that as the responsibility is primarily that of the State and local community, as they are best qualified for the undertaking and their citizens are those most directly interested, they should assume and perform a duty and responsibility so clearly theirs.

These arguments have much force with those who realize the importance of confining the activities of the Federal Government within proper bounds, and the even greater importance of insisting that the States and their communities shall, for their own good and that of the people generally, continue to assume and exercise their local duties and responsibilities.

There is, however, a growing sentiment in favor of national leadership, stimulus, and direction in various lines in which the primary responsibility is local and in which the States and communities must wield the laboring oar, and that sentiment has been strongly expressed in behalf of legislation such as that now before us. Without minimizing State and local responsibilities for the rehabilitation and the restoration to lives of usefulness of those who suffer the accidents of industry, humanitarians, welfare workers, labor leaders, captains of industry, and forward-looking folks of all classes have urged that the Federal Government assume a position of leadership and guidance in this work of practical humanitarian endeavor.

The bill provides not only for Federal encouragement and direction in cooperation with the States in the work of preparing those injured in industry for lives of further usefulness, but it also provides for Federal contributions toward this cooperative work. These contributions will, of course, encourage the States and the communities in the performance of their duty in this regard, but more important than any cash contribution is the fact that the National Government recognizes the importance of saving industrial cripples from lives of despair and dependence; of placing them in the way of self-help; restoring them to a condition enabling them to do their useful part in the world's work. [Applause.]

Of course, it is going to cost a little money. It will actually cost a million dollars, and my, how gentlemen do hesitate to expend a million dollars in this humanitarian work! Gentlemen who have had no hesitation at all in voting billions for the destructive work of war; men who have without question or a qualm voted for appropriations running into the hundreds of millions, which, while perhaps necessary or warranted, serve no helpful purposes in the cause of humanity, in the upbuilding of the race, or in making more tolerable the conditions of living, hesitate at this comparatively small proposal of appropriation which, if wisely expended, will serve to save thousands from becoming human derelicts.

No man who ever occupied a seat in this House has spoken more frequently or more earnestly than I against undue and improper extensions of Federal authority, jurisdiction, and control. But, gentlemen, I have learned something in the more than 20 years of my service here, and I trust I have grown with the growth of the sentiment of the country in favor of progressive legislation. I trust that I can see things in the light of to-day rather than from the viewpoint of the past.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. SNELL. Does the gentleman regard the appropriations which Congress has voted of hundreds of millions, as he says, not necessary and desirable?

Mr. MONDELL. I have not said that. I have said that Congress has voted billions for work of destruction, and I have cast my vote for those appropriations, appropriations, as a whole, running far into billions. In the face of all that, looking at the matter from the standpoint of cost, it seems to me men are rather exaggerating the situation when they say that the spending of a single million dollars for purposes which are helpful and useful, as proposed in this bill, is a gross extravagance, and objectionable from that viewpoint.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I yield to the gentleman two minutes more.

Mr. MONDELL. We want to help keep down appropriations; we must keep down appropriations; but it seems to me that in the desire of gentlemen to keep down appropriations they should pay their attention to vast sums that are expended for purposes of more or less questionable necessity rather than to rise in opposition to these comparatively small proposed appropriations for purposes that appeal to the heart and conscience of every one of us, and relative to which the only question is whether or not the Federal Government should participate in the worthy and helpful work. I want to help keep down the vast appropriations for military purposes and out of the vast sums thus saved be able to do something for humanity.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. What has the State of Wyoming done along this line?

Mr. MONDELL. The State of Wyoming has done very good work, but will do better work under the encouragement, stimulus, and direction of the Federal Government.

Mr. WALSH. Has it a board to take care of industrial cripples?

Mr. MONDELL. I think so.

Mr. WALSH. For how many years has it had it?

Mr. MONDELL. I do not know. Wyoming may not have done as well as the great State of Massachusetts, but I believe that even Massachusetts will do more under the encouragement and stimulus of a Federal organization.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SNELL. Will the gentleman state whether this is a desirable appropriation or one that is absolutely necessary?

Mr. MONDELL. Will the gentleman answer my question? Is it desirable that men who are crippled shall be restored to lives of usefulness, or is it essential that they should be? That question can and will be answered by the vote on this bill. [Applause.]

Mr. GOOD. Will the gentleman answer another question?

Mr. SNELL. I ask that the gentleman answer my question.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, the executive head of the Federal Board for Vocational Education, Dr. Prosser, in a communication sent to Members of Congress under date of August 22, estimates the number of disabilities to American soldiers, sailors, and marines resulting from the war at 250,000. That estimate includes only men who have been discharged with a disability rating of 10 per cent or more. The report on this bill



indicates that the number of persons disabled in industry only throughout the United States is estimated at 280,000. In other words, if this bill is enacted into law the burden thrown upon the Federal Board for Vocational Education will, numerically at least, be somewhat more than doubled. It had on its hands, since we gave authority under the act of June 27, 1918, 250,000 disabled soldiers, sailors, and marines; under this law there will be added 280,000 civilians who will be eligible for vocational education.

The question then arises how the action of Congress in doubling the task of the board at this time will be construed by the country. Will it be construed as an indorsement, as a testimonial of their achievement in handling the soldier problem with which they have been at work for something over a year? Is there any escape, gentlemen of the House, from the conclusion that if we double their task the country will say that Congress regards as entirely satisfactory the work that they have already done in caring for the soldier?

Mr. BANKHEAD. Will the gentleman yield? Will the gentleman explain what he means by doubling the work under the provisions of this bill?

Mr. ROGERS. I have stated that there were 250,000 soldiers, sailors, and marines within the purview of the board, and that this adds 280,000. I do not see why that does not more than double their work, from a numerical standpoint at least.

Mr. TOWNER. Mr. Chairman, I think the gentleman is under a misapprehension. Will he allow me to ask him a question?

Mr. ROGERS. Could the gentleman do it in his own time, because I have only eight minutes? Then the question arises, what the attitude of the House and the country in fact is upon the past achievements of the Federal Board for Vocational Education. I have no desire, and I know no Member of this House has a desire, to condemn without a hearing what the Federal board has done or has failed to do; but I think it is fair to say—and I think almost every Member of the House will agree with me in this—that the Federal board is not generally deemed to have been successful with its problem of rehabilitating the soldier.

I have in my hand the Vocational Summary, issued by the Federal Board for Vocational Education, for the month of September. That gives the actual number of people which have been dealt with by the Federal board during the year and three months when the act has been in operation. As I have said, there are 250,000 disabled service men. This table shows that the Federal board on August 23 had established contact with 170,000 of those 250,000 men. In other words, the Federal board had then received applications for aid from 170,000 men, and it had failed to establish contact at all with 80,000 men more. Of the 170,000 men who had appealed to the board for aid 23,000 had been recommended for training by the agencies of the board; 146,000 applicants had not been recommended or had not been reached in the machinery of the board's activities. Of the 170,000 suppliants for aid 7,812 men on August 23 had actually been put in training. In other words, less than 8,000 men had been started on their way toward vocational usefulness through the medium of the training authorized by the act of Congress. Further, I am advised on authority which I have not seen contradicted—that is, an article in the American Legion Weekly of about two weeks ago—that on September 4 33 men, having completed their training, had entered gainful occupation as a result of the board's assistance.

I am frank to say that I am not sure that those figures which I have given are correct, though they have been officially issued by the board itself. I have indicated that the board stated that on August 23 it had established contact with 170,000 soldiers. Dr. Prosser, in his communication to Congress, which I have mentioned, says that the board had established contact with only 133,000 soldiers on August 22, one day prior to the date of the report printed in the Vocational Summary. Which is right I do not know. There is a disparity of over 35,000. The Congress does not know which of those official statements is correct. Every man in this House knows that the Federal board has not yet been able to take up in earnest and effectively and efficiently the training and the placing of the great mass of our soldiers in gainful occupations.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I can not yield now. The experience of Great Britain is this: They have 1,000,000 cripples from the war. We have a quarter of a million crippled soldiers and sailors. Great Britain discharges the soldier one day, it surveys him for training the second day, and puts him into training the third day.

That has been done by means of a highly decentralized organization which they have perfected to a marked degree. The United States, through its Federal Board for Vocational Education, takes from three to six months, according to testimony before the Committee on Rules the day before yesterday, before it even puts in training the men who call upon the United States for aid under this act. I repeat that less than 8,000 men out of 250,000 disabled soldiers had in fact been put in training on the 23d of August.

Mr. FESS rose.

Mr. ROGERS. I can not yield. It was testified at the hearings before the Committee on Rules on my resolution the day before yesterday that of every dollar appropriated by Congress for the work of this board, 40 cents went to expenses of administration. It was testified that there were 20,000 paid employees of the board, some of them in Washington, some in the 12 districts throughout the United States. If that is true, it has taken about two and one-half employees per soldier put in training during the last year. If that is true, it has taken about 600 employees per soldier put into gainful occupation after training during the last year when the Federal board has been functioning.

As I say, I am not disposed on ex parte testimony to condemn the Federal board; but the question is pressing for consideration whether the Federal board has been able to handle or will be able to handle the soldier problem alone. If we pass this law, it is a vindication, a justification of the conduct of the board and of the achievements which it has wrought. With conditions as they are, I am not willing to give that testimonial.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I reckon it is out of date to intimate that this bill is not justified under our Constitution. It might be justified under the welfare clause, as so many things have been, but if it can be justified, then the Federal Government is authorized to erect hospitals in every ward in every city, schools in every village and every county, and there is nothing that can not be authorized under the general welfare clause, if it be admitted that some good would be accomplished by it.

Mr. MOORE of Virginia. May I suggest this to my friend, that he is saying almost what Mr. Justice Story said a good many years ago in his Commentaries on the Constitution, that if the view of the welfare clause which seems to be now prevalent is warranted, then this ceases to be a Government of limitations and restrictions, and becomes a Government of unlimited authority and power.

Mr. HARDY of Texas. I thank the gentleman very much, and, without further arguing that question, I hope I shall never vote for a measure that shows on its face that it is unconstitutional. A number of gentlemen seem to forget that when we vote away hundreds of thousands and millions of dollars that the money we vote away here must be earned somewhere. A tax is imposed on the people by the Federal Government, or else it is a tax imposed by the State, and whether the State spends the money for the care of their people, or the Federal Government, it must be earned. Gentlemen here say they favor this legislation because it gives the Federal Government the right to take the lead in this great humanitarian problem. I want to ask, Is it possible that the States have no more initiative and no more capacity to take the lead in humanitarianism, and must we come to the Federal Government to lead us as helpless children? Gentlemen, I want to ask, if this law is enacted, where is the limit of like laws in the future? Absolutely there is none. There is no justice in taking care of a cripple injured on a farm and not taking care of one who has been born crippled or who was crippled elsewhere. One farmer has a plow run away with by his team and is injured; another farmer is riding to town and is thrown from his horse and is injured. The one is as much a burden upon his community as the other. One is as much a subject of care and humanitarian care as the other. This bill would take care of one and not the other. This legislation picks out a certain class. If I should vote for any such unconstitutional legislation, I would, at least, make it uniform and universal. I would apply it to all who were crippled. The time may come when we should pass old-age pension laws, the time may come when we should pass laws to care for all the helpless; to build houses to take care of them, and when we should pass laws to care for the sick and to build hospitals to take care of them. If we do reach that time, I trust the States will pass the laws. Is it possible



that the State is going to abandon all its functions? We have asserted State rights and clung to them. The time has come when we should assert and perform State obligations and duties. [Applause.] The fact is by shirking State duties we are losing State rights, and every man who votes for a measure which puts an arm into the Treasury of the United States to take out money and pay for something that the State ought to do—because, as it was stated here, he is afraid to go before the State legislature and tax the taxpayers of his own State with the burden—is voluntarily, consciously or unconsciously, surrendering the whole of the doctrine that, on our side of the aisle at least, we have always professed to adhere to. There is nothing in the world in this bill to justify it that would not justify any expenditure of money for any benevolent purpose in any State, county, or precinct all over the broad area of the United States. In addition to that, this bill picks out certain classes—industrial classes, farming classes. Why should the charity of the Government be extended to one class more than another.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HARDY of Texas. If we are to help the poverty stricken and helpless, let us not be partial. Yes; I will yield.

Mr. BANKHEAD. Were not the sufferers of the Galveston flood a particular class of our people who received aid from the Federal Government?

Mr. HARDY of Texas. We have by one precedent after another extended aid and in many instances refused to extend aid. In cases of great calamity we have used Army tents and other property, and I think outside of that we have in a few instances overridden the Constitution under urgent appeals to our sympathy, but that kind of admittedly unjustifiable legislation ought not to be made and can not be made any justification for permanent legislation of that kind. [Applause.]

Mr. Chairman, we have provided very properly for the rehabilitation of persons disabled in war. That work is to be done by the Federal Board for Vocational Education. That board's work will end and it must go out of existence when they have given such training as they can to our maimed and wounded soldiers, but under this bill that board will not only be made permanent but it will grow in the number of its employees and the money it spends from year to year. Not many years hence it will be spending hundreds of millions of dollars, and be the established precedent for the establishment of more and more bureaus to spend more and more millions of tax money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, I am absolutely opposed to the consideration of this legislation at this time. In fact, I am absolutely opposed to giving more power or money to a board where there is at least very grave and serious doubt whether they are able to perform at the present time the duties that have already been imposed upon them or expend the money already granted them in a capable and efficient manner. We had day before yesterday about a four hours' hearing in regard to this Federal Vocational Rehabilitation Board. There are the hearings—of course, it is impossible to place them before the House, as they have not been printed, but I am absolutely sure that if every Member of this House would read those hearings and see the charges that have been made by creditable persons in regard to the inability of this board to perform the duties already imposed upon them, you would not be willing at this time to impose double duties on the same board or grant them any more money. I am absolutely—

Mr. DUNBAR. Will the gentleman yield?

Mr. SNELL. I can not. If this were a private matter or a business proposition, we would never consider for a single moment the extending of the functions of a board or bureau until we had succeeded in getting it better organized, better established, and better able to cope with the conditions confronting it than this board has been able to do up to the present time. I am also opposed to considering this legislation at the present time on the ground that while it may be desirable legislation it is certainly not necessary legislation, and as it authorizes appropriations it is no time to consider it when we take into consideration the condition of the Public Treasury. Every man in this House, when you talk to him in the lobby or in his office or anywhere else, will say that we must not pass any appropriations unless they are absolutely necessary at the present time; that they do not believe in passing any measures except those that are absolutely essential to carry on the present activities

of the Government, and they desire to decrease rather than increase them. There is no demand from any part of the country that we should create additional boards or give additional privileges and money to boards already established, and for that reason it is inopportune to even consider such legislation at this time. Now, the gentlemen who are the proponents of this bill keep referring to the soldiers' rehabilitation act.

That has absolutely nothing to do with this act. The Government was under obligation to take care of its soldiers. The other is merely a desirable thing on the part of the Government. Let the various States do their own work in this line and not put everything up to the Federal Government. Let the States assume this obligation and take care of their dependent just as the Government at the present time is taking care of its soldiers. Especially is this true when up to the present time the Government has not been able to do what is absolutely obligatory upon it, to say nothing about entering this new and much broader field. This bill only carries an initial authorization of \$500,000. It must be matched by \$500,000 by the individual States. Now, let us see what that means. From the testimony before the Committee on Appropriations and also before the Committee on Rules the other day it costs from \$1,200 to \$1,800 to educate or rehabilitate an individual man, while this bill only provides about six or seven dollars per man. Not enough under present conditions to get the names of the men, to say nothing about what must be done later.

Testimony was offered by the gentleman from Ohio [Mr. FESS], I believe, that there were about 300,000 industrial cripples in the country at the present time. On the basis of what it has cost the Federal Government to rehabilitate these soldiers, it would cost for this new scheme \$30,000,000 for the first year, and we are making appropriations of \$1,000,000, or about 3 per cent of what it will cost if we go into it to the extent as provided for in this bill.

Now, as I look at this proposition, this is merely a "starter," and it is going to cost millions upon millions before it is ever carried out and go much further than most of us expect. I think before we enter upon this wider field we should fulfill our obligations to the soldiers and see how much that is going to cost. And when this board is able to function, able to do the work that is asked of it, it will be plenty of time for us to enter into the wider field and take up the rehabilitation of the industrial cripples of the country. I believe the time is now here for Congress to stop, look, and listen before it makes any appropriations that are not absolutely necessary. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON], a member of the committee.

Mr. BLANTON. Mr. Chairman, it has been asserted that this bill is a paternalistic measure, and such assertion is true. Ordinarily I would be opposed to every species of paternalistic legislation.

Mr. HERSEY. Will the gentleman yield?

Mr. BLANTON. I regret exceedingly that I can not yield to the gentleman from Maine. I have only five minutes, and am sorry that I have not the time.

This bill does not seek to aid persons who have already lived their full 65 years, in full possession of all their faculties, and endowed with full mental and physical strength and vigor, but who failed during the period of their maximum earning capacity to save up out of their annual income and lay aside sufficient to take care of them in their old age; but this proposed legislation seeks to make over, rehabilitate, and restore to full earning capacity, in so far as education and training makes possible, the young man who has not yet reached the prime of life, and, in many cases, even the young man who has not yet reached his majority, but who, by having suffered a physical injury, has been deprived of the chance to live as you and I live and whose life has been made purposeless, disconsolate, and without hope.

Every crippled human looks through the glass of life darkly. Just how darkly, neither you nor I are in a position to know, unless we have experienced and suffered the same or a similar affliction. It is said that a parent who has never lost a child is not in a position to adequately sympathize with the father or mother whose child has been taken. And I submit that we Members of Congress who are in full possession of our faculties, and who have never suffered physical injury, who have perfect our hands and arms, our feet and legs, our eyes to see, who can walk and run and jump as we will, are not in a position to see through the eyes of the cripple, destitute of funds and property, looking the cold world squarely in the face without backing or assistance, and in competition with it must earn his daily bread.

It was my misfortune while in college, through an accident in a football game, to walk upon crutches for six long months, during which time, through my own efforts keeping books at



night for a mercantile firm, I was earning my own current expenses, and I would then have been willing gladly to have forfeited half my life to be restored to my former physique. Not until I saw others running when I could not did I fully appreciate the boon and blessing of being whole physically. During this short experience I then made up my mind that in life I would never let an opportunity pass to assist in every way possible all human beings so unfortunate as to be crippled. This is the moving influence which makes me in this case overlook and waive the paternalistic phase of this bill, and makes me willing to vote for it, provided its announced purpose is not changed and it is properly amended in one vital and necessary particular.

Since this debate began day before yesterday it transpires that this bill will not do that which we expected from its announced purpose in lines 7 and 8 on page 1, wherein it states that the cripples for whom it is to provide rehabilitation are those "who are without sufficient means to provide for their own rehabilitation and their return to civil employment," leading us to believe that the beneficiaries of this legislation are the destitute cripples of our land.

Yet, when opening this discussion last Thursday, the chairman of the committee, the distinguished educator from Ohio [Mr. Fess], stated that in order to obtain the training provided for in this bill it would be necessary for the disabled persons to pay for same, whereupon—on page 6656, column 2—the gentleman from Michigan propounded the following question:

Mr. SMITH of Michigan. Suppose he did not have money enough to go to school?

Mr. Fess. He would be unfortunate, that is all.

Hence, the present situation indicates that this bill must be amended if its expressed purpose of rehabilitating destitute cripples is to be carried out.

In this connection I desire to call the chairman's attention to the fact that the only provision in this bill attempting to specify to whom the courses of training shall be open and available is subdivision (5) of the first section, which, at top of page 4 of the bill, reads:

That all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

When the bill is read for amendments I shall offer the following amendment, so as to carry out the original intent of the measure, to wit:

Amendment offered by Mr. BLANTON: On page 4, line 1, beginning with the word "that," strike out all of the balance of the paragraph and insert in lieu thereof the following: "The vocational rehabilitation provided for herein shall be given under the supervision and control of the State board, and all courses shall be available, under such rules and regulations as the Federal board shall prescribe, to all persons, in such destitute circumstances that they are financially unable to provide their own rehabilitation, disabled in industrial pursuits, including agriculture, trade, commerce, manufacturing, mining, transportation, all mechanic arts, and to civil employees of the United States disabled while in the performance of their duty: *Provided*, That persons who have received compensation for injuries and other disabled persons who are able to pay for same may be given rehabilitation training upon paying reasonable tuition therefor."

Clearly this amendment should be adopted. Unless it is adopted or this defect is otherwise remedied, I can not support the measure.

Then again, Mr. Chairman, I believe that all of section 5 should be stricken from the bill, and I shall offer such an amendment at the proper time.

It has been repeatedly stated that the only function of the Federal board under this bill will be to apportion and pay over the money to the various States. At the time we first considered the soldiers' rehabilitation bill I took the position that in that we should make provision for destitute industrial cripples, as with very little additional overhead it could be done. All of the research and investigations made by the Federal board with respect to the soldiers is equally applicable to the industrial cripple, and in section 5 we are merely duplicating this expense when it is entirely unnecessary. The appropriations provided for in section 5 are wholly unnecessary, for the Federal board has sufficient machinery already, and whatever further money we spend should be spent directly upon the cripples themselves. I sincerely hope that the chairman will see fit to accept this amendment, for this avenue of waste should be eliminated.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. WALSH. I desire to be advised when I have consumed seven minutes.

Mr. Chairman, I think it is entirely agreed that notwithstanding the fact we have appropriated money for vocational education and for the rehabilitation of our soldiers who have been crippled in the war, that this is an entirely new departure. And I wish to deny the right of the Congress of the United States to appropriate money for this particular purpose, notwithstanding the fact that they may have appropriated money for vocational education.

Why, the gentleman from Texas [Mr. BLANTON], who last addressed us, stated that because he was unfortunate in his youth and knows what it is to have suffered in his early years, he made up his mind that he would give his consent to a Federal appropriation to help the cripples. There is no duty resting upon the Federal Government to rehabilitate men who are crippled in private enterprise. [Applause.] And there is nobody who has yet pointed to a line or a word of the Federal Constitution warranting any such action as that.

Why, gentlemen, legislation such as this will be hailed with glee by that element now within our borders who were raided the other day in the great city of New York, that branch of society that prefer to be known as the "Reds"; who believe that they owe the Government nothing, but that the Government owes them everything, even to furnishing them free doctors and free women. And this is setting a precedent that will justify legislation in the future to furnish free doctors to the children of the land, to take money from the Federal Treasury every time they are attacked with the whooping cough or the measles.

I say the duty rests upon the 48 States of this Union and the various municipalities within those States to take care of the men who have become so unfortunate as to have been crippled in industry.

Now, who is it that favors this? Well, I assume that if this great labor conference that has been called by the Chief Executive and is now attempting to organize in Washington could begin to function that possibly they might be able to get a resolution through favoring some such legislation, because I assume Mr. Samuel Gompers, as the spokesman of labor, has no objection to the great industrial States of the Union furnishing over one-half of the money that will go into the Federal Treasury to be expended for this purpose. I assume that this organization in the great West, which seems to be growing and increasing in number, and which is only a few steps removed from the principles which have brought Russia crashing down over the heads of the people—I refer to the Nonpartisan League—favors some such idea as this. I say that after we have come out from a great war, with a tremendous burden of debt that is to meet us in the future, we should not at this time embark upon this journey.

Ah, the gentleman from Wyoming [Mr. MONDELL], the distinguished leader of this side, said that he had learned a great deal in 20 years. I know one thing that the gentleman from Wyoming has learned in 20 years, and that is if the States refuse to perform the duties that rest upon them it is pretty easy to get Uncle Sam to take up that burden and pay the expenses that ought to be borne by the individual States and the communities that go to make them up.

Why, sir, this is but getting the camel's nose under the tent. A million dollars!—the gentleman from Wyoming says, "A mere paltry sum." I say we ought not, by conferring this extra jurisdiction upon the Federal Vocational Board, to say to the soldiers of the country, the crippled and the maimed who went across the ocean to make the supreme sacrifice if necessary—I say we ought not to say to those boys in the Army and Navy, "We are satisfied with what the Vocational Educational Board has done for such of your number as have needed aid from the Federal Treasury through this board; we approve of the administration they have given as touching the improvement of the crippled soldier, and therefore we will enlarge the jurisdiction of that board and have it take care of the farmer who falls off his horse or his laborer who tumbles out of a haymow."

Why, Mr. Chairman, if we embark upon these measures there is no limit to the jurisdiction which the Federal Vocational Board will be asking of this Congress. This appeal is made simply and solely from them, because there is no great demand from any of the States of this Union, from any of these 284,000 cripples; there is no great demand that Uncle Sam should come to their aid. The State of Alabama, I understand, has a large number of cripples within her borders. Why does not Alabama and the cities and towns of Alabama go to the rescue and to the



aid of those men? And why should Ohio and Illinois and New York and Massachusetts and Pennsylvania be called upon to contribute to the Federal Treasury for their aid? Because those five States will pay into the Federal Treasury more than one-third, and nearly one-half, of the revenue by direct taxation.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Alabama?

Mr. WALSH. Yes.

Mr. HUDDLESTON. The gentleman has asked why Alabama should call upon other States to help in taking care of her cripples. I want to state to the gentleman that so far as my part of Alabama is concerned, nearly all of its cripples were injured in the service of great corporations, the owners of which live in the States which the gentleman has named, and who are able to live there because they derived great profits out of the labor of these men who have been injured in their service in my State.

Mr. WALSH. Does the gentleman want the industry taken away and have the people refuse to work in Alabama simply because the owners live in some other State, or does the gentleman want those owners to move from the other States to Alabama? Which does the gentleman desire?

Mr. HUDDLESTON. The industry is a partnership in which the people of the various States are interested, together with the people of my own State. The care of the cripples maimed in the industry should also be a partnership—a joint interest of the people of the various States. Why should Alabama bear the whole burden?

Mr. WALSH. The law of partnership does not apply to operations of the Federal Government under the Constitution of the United States. These 48 States can not escape their responsibility simply because somebody owns an industry in a particular State and sees fit to reside in some other State. Why, in many of the industrial States of this Union, States that have become great, they are now providing for group insurance that is borne by the various industries, to which the men themselves are not called upon to contribute. In many of the other States we have workmen's compensation laws that take care of these various things; and if those States can pass those laws, why can not all and each of the 48 States pass similar laws and administer them? Why should we say, "Uncle Sam, you are partly responsible and you must be held for contributions in aid of these men, because Alabama or Texas or some other State has not passed a law to do it?"

I submit again to this committee in all seriousness that we ought not at this time, with the burden of debt that is facing us, embark upon this policy, even with the "paltry appropriation of \$1,000,000." [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. FESS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. TOWNER. Mr. Chairman, gentlemen who are opposing this bill either do not understand it or deliberately misrepresent it. You can not arrive at any other conclusion. Gentlemen assume here—all of those who are opposed to this bill—that the Vocational Board are to administer this bill. The Vocational Board are not to administer this bill. This is not a bill for the administration of the Vocational Board. This bill is for the purpose of aiding and stimulating the States. The Vocational Board will not have anything to do with a single industrial cripple, in so far as his education is concerned, except in the apportionment of these funds. This law is to be administered exclusively under the supervision and control of the State boards.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. TOWNER. No; I can not yield, Mr. Chairman, because I have no time to yield.

That is one of the assumptions that is not borne out by the facts. Now, then, that of course makes it absolutely inapplicable as a ground of objection to this bill. Again, they say this board is incompetent for the administration of the act. The board will not attempt to administer it. It has no business except merely to see to the distribution of the funds and to see that they are properly administered. It will not add one single particle of work to the present operative work of the board.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. TOWNER. Yes.

Mr. CLARK of Missouri. If this Educational Board is not going to administer this, who is?

Mr. TOWNER. Let me state to the gentleman from Missouri this fact: The present Vocational Board administers absolutely and in its entirety, and has absolute administrative power and executive power with regard to the application of the work to the individual soldier. The Vocational Board with regard to this has nothing to do except to distribute the funds.

Mr. CLARK of Missouri. Let me ask the gentleman another question.

Mr. TOWNER. Yes; and it is placed exclusively under the control of the States, just as the vocational act is.

Mr. CLARK of Missouri. What are these fellows, on page 8, with big salaries going to do?

Mr. TOWNER. They will have, of course, the duty of apportioning this sum and seeing that the funds are properly administered. That is all the duties they have to perform.

Mr. CLARK of Missouri. Will you fellows accept an amendment to strike these fellows out of this bill?

Mr. TOWNER. Oh, I do not think they should be stricken out, but I think some of the salaries might be reduced to the betterment of the bill.

Mr. CLARK of Missouri. Let me ask the gentleman another question.

Mr. TOWNER. I can not yield all my time, I will say to the gentleman from Missouri.

Mr. CLARK of Missouri. All right.

Mr. TOWNER. Gentlemen here say that there is no power in the General Government to grant this money. I have heard that said time and again. If that is the case, then for at least 75 years of the life of this Government we have been continually passing appropriation acts that were unconstitutional. It is too late to raise that proposition. The gentleman from Iowa [Mr. Goon] said on the floor here that we were now spending \$26,000,000 a year for education. They argue it is unconstitutional. You can not lay your finger on the provision of the Constitution that they say will justify it. On the contrary, gentlemen, long years ago we commenced by giving the public lands of the United States to the States for their schools. What power of the Constitution did we have to do that? Later we passed the bill which established the land-grant colleges, and gave them large grants of land from the United States, throughout the Nation. What power did we have to do that? Later we continued and now continue to the present day to give these colleges money from the Public Treasury. What power have we to do that, year by year, and every year? And now they say we are spending \$26,000,000. They say it is constitutional to expend \$26,000,000 already appropriated by those gentlemen who are now opposing this bill; but when a new proposition for education comes up, it is unconstitutional and you can not find any power in the Constitution. Ah, gentlemen, that will hardly be an answer to the general demand in this country for this legislation.

Gentlemen say that the only people who will be pleased by the passage of this bill will be the Bolshevik laborites. Gentlemen, if there is any justification or excuse for the Bolshevik laborites in this country, it is because we have not done our duty to the legitimate interests of labor in this country. [Applause.]

And now, when we can do something that will be of benefit to them, gentlemen come here and say, "Oh, you must not do this, because it will encourage Bolshevism." Ah, it is the very best cure for Bolshevism that could be suggested, and, in my judgment, the only cure.

Let us see what this means: It does not mean, as gentlemen assume—and that is another assumption—that this is a charitable institution to take care of these men. No such proposition is suggested. These boards in the States assume to take care of them. The State compensation laws assume to take care of them. This has nothing to do with that. This simply says, as an economic proposition, as a humanitarian proposition, if a man is injured in industry so that he becomes at once a burden to his family and the State, if we can give him a few weeks or months of education and put him back in the productive class, so that he can again become a self-supporting American citizen, then we have done something for the Nation and the State, and the Nation has an interest in maintaining its citizenship and making them self-supporting. That is the proposition that we have involved in this case; but it is something that has not yet been done.

Gentlemen say, "If you embark on this enterprise, that means it will be constantly increasing." It will not. Experience shows that it is not necessary. It has not been necessary to increase the funds under the Smith-Hughes Act. It is not



proposed to increase the funds. The fact is that, once having set in operation this proposition and this scheme as we did the others, then it will be carried on from year to year with increasing appropriations by the States that will make it unnecessary for the General Government to make further additional appropriations; and I believe it will not be long before we will be able to cease making Federal appropriations entirely.

Now, I want to call attention to one other great mistake. Gentlemen say we will have to take care of 300,000 cripples. There is no proposition of that kind before you. It is estimated that there are now in existence in the United States 300,000 men who have been injured in industry; but a very small proportion of them need assistance. Let me tell you how that works out: There are 74,000 men injured in industry in the United States every year, but 52,000 out of the 74,000 have lost only one finger and 9,000 more have lost only two fingers. Now, these men do not have to be reeducated. As a matter of fact, less than 14,000 out of the 74,000 will ever or can ever make application for industrial training—for rehabilitation to put them back into industry. A large proportion of them go back voluntarily. They do not need any further training.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman two minutes.

Mr. TOWNER. I thank the gentleman from Massachusetts.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. TOWNER. For a brief question.

Mr. BROOKS of Illinois. I should like a concrete statement of how one of these crippled men can get into the school you speak of?

Mr. TOWNER. This goes to the States, which have already, under the vocational-training act, established schools to which people in those States are sent for vocational training. All they have to do is to send them to schools already established. The expense, so far as that is concerned, will be very small.

Mr. BROOKS of Illinois. Supposing a man who is crippled has not any money with which to pay his expenses at this school where the tuition is free?

Mr. TOWNER. In all probability that man will be taken care of by the State.

Now, gentlemen, just a word about the amount of money that is required. My colleague from Iowa [Mr. Goop] puts practically the whole responsibility of maintaining the fiscal independence of this country upon the Board of Vocational Education. Gentlemen, after all it is only a question of what money will be spent and for what purposes. Gentlemen, in your own experience have you ever heard in your community one single man, be he ever so niggardly and stingy, complain about the taxes that he has to pay for schools? He would not dare do it. There is only one class of taxes and expenditures that are not criticized in the United States to-day, and they are the expenditures for education. If gentlemen want to justify their conduct for what they do here, they can not do better than to go before their constituents and say, "I helped to take care of the industrial cripples and place them again in the list of self-supporting citizens of the United States." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I wish I had an hour or an hour and a half to talk about this bill, but I have five minutes and can not cover much ground in that time. Under the five-minute rule, as the bill is read for amendment, I can get time now and then, and I will have something more to say about it. I am against this bill. [Applause.] The gods help those who help themselves. If there is one danger that we are running upon with more than railroad speed in the United States, it is in making the Government, especially the United States Government, and the State government as well, the guardian of everybody. [Applause.] The result is it begets inefficiency. In my judgment, the best manhood North and South, on the average, was when with 3,000,000 people we won our independence, greatly increased until we now have 110,000,000 people—the best manhood that we ever had in this country was when this Government was in its formation and when you were making the States and when the people were self-reliant. [Applause.]

I am not concerned, gentlemen—I have said it before and I may enlarge upon it under the five-minute rule in considering the merits of this bill—I am not concerned for the man or the woman or the child that has to live by the sweat of their faces. It breeds good manhood, it breeds good womanhood. I would like to have the men listening to me now stand up and say what they did. Take my friend from Texas, take the Texas delegation, take the Illinois delegation, you are here in

Congress, but did you make your own way? You can not confer efficiency upon somebody. On the average—and we legislate for the average—the weak, feeble-minded, the man that is incapable of laboring, and the woman and the child, are cared for by the States right on the ground by and through local self-government, and very well cared for, with insane asylums and hospitals. Now you propose to care for them by the United States under an organization that has spent a million dollars since it was organized for the purpose of giving vocational education to our returned soldiers. It is stated has spent a million dollars, and what have they done for vocational education? It is stated in this paper—I do not know whether it is right or not—that there are two soldiers who have been given employment under this organization to one member of the vocational board. And it has cost a million dollars already. Now, let me tell you I have great respect, gentlemen, for the school-teachers, I have great respect for the college professors, for the college presidents, I have great respect for the men that have vision, vision, vision, while the rest of us do not have vision.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WALSH. I yield the gentleman one minute more.

Mr. CANNON. I was going to say that nine-tenths of the people that have vision are visionaries. [Laughter and applause.] They dream this, that, and the other. Beginning with Germany, they are responsible for the present condition of the world. Germany was wonderfully efficient; Germany had colleges, scientists, and visionaries, and they got up a propaganda and spread it over the earth. We see the results. Now you say, do you want to kill off the college professors? Nay, nay, I do not want to do that, but I do not want all the visionaries to overthrow our form of government. [Applause.]

Mr. FESS. Mr. Chairman, I yield the balance of my time to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Chairman, the gods help those who help themselves, says the distinguished gentleman from Illinois [Mr. CANNON], and I am sure that we all agree with that sentiment. But how about the man who can not help himself. Who helps him? How about the man who, through no fault of his own, has lost the means of taking care of himself? How about the man, like that poor fellow who came, or rather was brought, into my law office a year or two ago—I remember it well—who, through no fault of his own, had had both legs cut off at the body? Who is going to take care of him? Now, that is the sort of man, that is the sort of case, Mr. Chairman, that this bill is designed to help.

Mr. WALSH. Will the gentleman yield?

Mr. BURROUGHS. No; I would like to yield to the gentleman, but I have only five minutes. This is a good bill and it ought to pass.

As stated by the gentleman from Ohio [Mr. Fess], chairman of the committee, this bill in substantially its present form passed the Senate without a dissenting vote on June 21 last. It comes into the House with the unanimous report of the members of the Committee on Education. It is, in my judgment, one of the most meritorious measures that we have been called upon to consider at this session of Congress. It ought to receive, and I sincerely trust it will receive, substantially the unanimous support of this House on both sides of the Chamber.

Consider for a moment the situation which makes this legislation necessary.

From testimony appearing in the printed joint hearings before the Senate and House committees it was shown that each year there are more than 2,000,000 industrial accidents in this country, resulting in loss of time, and more than 700,000 where inability to work extends through a period of at least four weeks. The representative of the National Association of Manufacturers of the country, representing more than 4,000 manufacturing concerns, stated at the hearings that if any value at all could be placed upon human life, the cost of industrial accidents in this country would be found to amount to \$2,000,000,000 a year. That is one-third of all the deposits in all the savings banks in the United States. The hearings also showed that at the present time there are between 200,000 and 300,000 industrial cripples in the country who are permanently disabled to a degree equal to 50 per cent and more. The average age at which such injuries are received is said to be between 30 and 33 years; in other words, at a time when the injured person has a right to assume that he has 20 or 25 years at least of his working life ahead of him. Conservative estimates made by those who were in position to speak with authority were to the effect that there were not less than 15,000 persons substantially totally disabled in industrial pursuits in this country every year.



Now, the purpose of this bill is to reeducate and rehabilitate these injured persons. We want to take them off the scrap heap where they have been thrown as a part of the wreckage of humanity and put them back into productive industry. We want to take away their dependency upon relatives and upon society and make them once again self-supporting, self-respecting members of the community. The bill is a conservation measure, a reclamation measure, as well as a great humane, patriotic, and far-sighted measure.

Two main arguments have been urged against it—

First, that the particular agency designated in the bill through which Federal functions are to be performed has not proved itself to be an efficient agency in the performance of other similar functions; and

Second, that the plan involves the expenditure of a lot of money, and that under present circumstances the Government can not afford to embark upon such an enterprise.

Neither of these arguments, in my judgment, should influence Members to vote against this bill.

The Federal Board for Vocational Education is now administering the funds provided by the Smith-Hughes Act, which established the system of vocational education in this country. It is doing that in cooperation with State agencies substantially as is provided in the terms of this bill. This board is also administering the law passed in 1917 for the rehabilitation of disabled soldiers, sailors, and marines. This latter function it is performing without reference to the States because that was and is conceived to be solely a Federal function.

Whatever criticism has been made by the Federal Board for Vocational Education has, I believe, been confined almost entirely to its administration of the law providing for the rehabilitation of disabled soldiers, sailors, and marines. Under that law this board has entire administrative and executive control. It makes all investigations, determines who should and who should not receive benefits under the act, and provides the necessary instruction to those found entitled to the benefits of the act.

Under this bill the functions of this board will be almost entirely supervisory. Certain moneys are to be provided by the Federal Government for this work and this money is to be apportioned among the several States according to population and provided that certain conditions specified in the bill are complied with by all the States. Of course, it is necessary that there should be some Federal agency to supervise the administration of this act and see to it that the conditions specified are met by each of the States desiring Federal aid.

Even granting all that has been said in criticism of this board in connection with the soldiers' rehabilitation act, where it has full administrative and executive control, it does not follow by any means that this board may not perform with entire satisfaction and complete success all duties imposed upon it in this bill, as, indeed, it appears to have performed with entire satisfaction and with complete success all similar duties imposed upon it under the terms of the original Federal vocational act.

If the Federal board is not efficient as at present organized it is entirely possible to force a reorganization of this board. Perhaps that ought to be done. I am frank to say that I am not well enough acquainted with the facts to state positively at this time whether it ought to be done or ought not to be done. But whatever the fact may be in that regard, the shortcomings of this board ought not to prejudice or delay the passage of this wise and beneficent legislation.

To those who say that we can not afford to appropriate the money provided in this bill my answer is that we can not afford not to appropriate it. [Applause.]

I believe I am just as anxious to economize, to cut down expenditures, and to save money for the Government at this time as is any Member of this House. I realize the need, I may say the absolute necessity, of the strictest economy under present circumstances, but I am supporting this bill because I believe it is in the interest of true economy. I am supporting this bill because I believe it is not only a humane proposition but because it is a first-rate business proposition as well. If I can make two blades of grass grow where only one grew before I consider that good economy and good business. If by spending \$1 I can save \$10 I am not only willing but glad to do it, even in the present condition of the national finances. That is just what I understand this bill is designed to do. Here are from 200,000 to 300,000 persons in the country to-day who, unless some training of this sort is given them, are not only not producing anything but are actually a burden to their relatives, to society, and to themselves.

Take a pencil and paper and figure for yourselves what it is costing right now to support these 200,000 persons. Even at \$5 a week, and they can not be supported in the almshouses for less than that, it would, as I figure it, amount up to the enormous

sum of \$50,000,000; and remember, too, that many of these people have families that must also be cared for. Remember, too, that this is not simply for one year but that it is going on year after year. Remember, too, that this does not take into account the economic loss due to inability to work, and consequent loss of wages, which would mount up to hundreds of millions of dollars more.

By this bill we are seeking to eliminate this enormous, this appalling economic waste. Enough has been accomplished already under the soldiers' and sailors' rehabilitation act to demonstrate some of the possibilities along this line. We know that at least some of this wreckage can be salvaged. We know that a fair proportion of persons supposed to be totally disabled can be restored to be self-respecting, self-supporting members of societies. We know that the Nation as well as the State is vitally concerned in this problem of the conservation of its man power. When the opportunity presents itself, as it is now presented, to save not less than \$50,000,000 a year—and it probably would be after a few years many times that amount—by the expenditure of a half a million or a million dollars annually, it seems to me this is not only good philanthropy but good business as well. I sincerely hope the bill will pass. [Applause.]

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. WALSH (interrupting the count). Mr. Chairman, I withdraw the point.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That in order to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and who are without sufficient means to provide for their own rehabilitation and their return to civil employment there is hereby appropriated for the use of the States, subject to the provisions of this act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment, for the fiscal year ending June 30, 1919, the sum of \$500,000; for the fiscal year ending June 30, 1920, the sum of \$750,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of \$5,000 for any fiscal year. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section, for the fiscal year ending June 30, 1919, the sum of \$60,000; for the fiscal year ending June 30, 1920, the sum of \$40,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$34,000.

All moneys expended under the provisions of this act from appropriations provided by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriation made by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. This is the sort of bill that appeals to the sensibilities of men. It is liable to appeal to their sensibilities with such force as to override their judgment. It is a great pity that everyone who is crippled can not be repaired. It is a great pity that everyone who is sick can not be taken care of. Such duties should be discharged by States, counties, and municipalities, but not by the United States Government, for it is not an eleemosynary institution. One trouble under which we labor in Congress to-day is that the State governments have practically abdicated their functions—dodged their duties—and everything is loaded onto Congress. I have been here long enough to see that bad habit grow most portentously. Some of these days, if I do not quit lecturing, and I think I will quit, I intend to prepare a lecture on the compromises of the Constitution, taking them up seriatim. They made



one logrolling arrangement that is costing this Government untold millions of dollars, and that was that the Federal Government should have control of interstate commerce, if they would let the African slave trade run, until 1908. The abuse of that interstate commerce clause—making it a pack horse for the universe—is largely the reason why Congress is almost in perpetual session in these latter days.

Everyone comes to Uncle Sam to get some of his money. He seems to be regarded as a general Santa Claus. We have come to a pretty pass. The chairman of the Committee on Appropriations says—and he ought to know something about it—that there is going to be a deficiency in the revenues of this Government this year of \$3,500,000,000. Why go on rolling up that deficiency? The gentleman from Wyoming [Mr. MONDELL] says that it will cost only a million dollars. Of course, we have got so that we think in billions, unfortunately, and a million dollars, which to the fathers was a very large sum, is to us a mere bagatelle. Until within a few years we thought in thousands, occasionally rising to millions. Every dollar that is appropriated means sweat and toil and labor somewhere, and you are loading up the backs of the taxpayers in this country until they are cracking and about to break. It is said by the proponents of this bill that the United States Government gives only a dollar where the State gives another dollar. Where does the United States Government get its dollar? Out of the taxpayers. Where does the State get its dollar? Out of the taxpayers, and the taxes are high enough now, and every man in the House who has three ideas above a Hottentot is devoting his thoughts to how to cut down these tax bills, and if we do not cut them down these places that know us now will know us no more forever. [Applause.]

The gentleman from Iowa [Mr. TOWNER] undertakes to bolster up this thing upon the ground that years ago we gave away vast parcels of land for educational purposes. That was all right. It was given away and it worked a good purpose. Uncle Sam had land then to give, while to-day he has not a 160-acre tract left in the United States that is fit for cultivation unless it is doctored up in some way by irrigation or drainage, and I am in favor of both. When I was a child my father used to put me to sleep with a song—

Uncle Sam is rich enough to give us all a farm.

And it was God Almighty's truth then, but it is not now. The United States Government never had a dollar of its own in its life, except the result of proceeds of public lands. It has no estate. Neither had the State of Missouri or the State of Illinois or any other of these States. This bill is not on all fours with the acts giving land for education in the days that are done. The situation has changed radically. While the purpose underlying this bill, it is true, is good—and nobody sympathizes with the afflicted more than I—we ought to leave something for individual initiative and something for State action. For instance, any man in this country who will allow his children to grow up bowlegged ought to be put in the penitentiary or in an insane asylum. It is easy to cure, and yet walking down the street yesterday I saw a man in front of me and the biggest hog in the State of Missouri could have run between his legs and never touched them at all. A very simple operation in infancy or childhood would have cured his deformity. Bowlegs should be straightened, but I humbly submit that it is not Uncle Sam's duty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Why do not parents take care of that thing instead of coming to the Congress of the United States to have bowlegs and other afflictions like that cured? We have got to cut down these appropriation bills. I was in favor of the soldier's vocational education bill because we will never be able to repay the debt that we owe the men who fought for the flag of the country. [Applause.] But this is not a parallel case at all. Oh, they say, it will only cost a million; but that is a starter, that is the camel's nose under the tent, and you all know it—any of you that are fit to be here know it. I have seen several of these bureaus created since I have been here. I have seen three departments created, and I will tell you how they worked. They will have a little tiny bureau with 5 or 10 or 15 people in it, and the first thing you know it has grown like Jonah's gourd vine, until they have hundreds of them, and it gets to be a great big thing. Then they clamor to be made a department, and there is a bill coming up here some time that proposes to make a Cabinet member of the Commis-

sioner of Education, a secretary of education, and I am against it. The first thing you know they will have as many employees down there in that Bureau of Education as they have in the War Risk Bureau, with its 14,000 employees jostling each other around in each other's way.

I am as much in favor of education as any man who ever lived. I plowed corn and mauled rails and broke rock and cut corn and wormed tobacco in order to get money enough to go to college.

I began to teach school before I was 15. The only qualification I really had was my size [laughter], and down in Kentucky just after the close of the Civil War size went a good piece in the community. [Laughter and applause.] I was president of a college when I was 23 years old down in West Virginia, so I have a right to talk about educational matters. I saw to it that my children both secured good education. My son graduated at or from, or, to use Senator HENRY CABOTT LODGE's formula, "was graduated from," two or three universities and colleges. Now, if he has as much common sense as he ought to have he will succeed in the world. But whenever that bill comes in here to make a useless department out of the Bureau of Education, I am against it, and I will use every parliamentary means at my command to beat it. The United States Government can not do everything; it is utterly impossible. The best thing for Congress to do would be to pass a resolution here directed to the States advising them to resume their governmental functions [applause] and let us alone. Now, they all "cuss" Congress. It is an open season for Congressmen the year round for these newspapers and magazines. They abuse us with unanimity. Some college professor wrote a whole article in a magazine recently on this budget business, in which he assumed all the way through that if it were not for the departments up here that Congress would be so extravagant and reckless as to vote away the Goddess of Liberty on top of the Capitol. Just the opposite is the truth. If it were not for Congress these departments up here would gobble everything betwixt the two oceans.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CLARK of Missouri. Just one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. It got so bad, as Mr. Speaker CANNON knows, that we absolutely had to pass a law here making it a criminal offense for the head of a department or bureau to spend more money than Congress appropriated, and these doctrinaires who write these essays about the sins of Congress and the virtues of these departments should be taken out into some cool and sequestered spot and tapped for the simples. [Laughter and applause.]

The milk in this coconut is to create a lot of new fat jobs. The appropriation for the first year is \$500,000.

The following part of the bill shows that the salaries of officials absorbs 10 per cent of that as a starter:

No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of \$5,000 per annum, to not more than one person; at the rate of \$4,000 per annum each, to not more than four persons; at the rate of \$3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of \$2,500 per annum: *Provided*, That no person receiving compensation at less than \$3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services.

Mr. FESS. Mr. Chairman, I regret that under the circumstances we can not continue the consideration of this present bill because we have promised at 3 o'clock to make a motion to rise in order to take up some other matter. Therefore I move that the committee do now rise.

Mr. BLANTON. Will the gentleman permit a parliamentary inquiry for just a moment?

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4438 had come to no resolution thereon.

FOOD PRODUCTS, FUEL, AND RENTS (H. RES. NO. 329).

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 329.

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed with the consideration of the conference report agreed upon by the managers on the disagreeing votes of the two Houses on H. R. 8624, being an act to amend an act entitled "An act to provide



further for the national security and defense by encouraging production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917. That all points of order on said conference report shall be considered as waived. That there shall be one hour of debate, to be divided equally between those favoring and those opposing the conference report. That at the conclusion of debate the previous question shall be considered as ordered upon the conference report, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Illinois [Mr. GRAHAM] desires briefly to make a unanimous-consent request, and I yield to him.

Mr. GRAHAM of Illinois. Mr. Speaker, I first ask unanimous consent that I may proceed for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. GRAHAM of Illinois. Mr. Speaker, the Select Committee on Expenditures in the War Department has decided unanimously that it ought to present a matter to the House as soon as possible, and for that reason I am going now to prefer a unanimous-consent request, and I shall try to express in it the situation as well as I can. The matter we want to discuss with the House and to make plain to the House is in reference to some matters arising out of the plant at Nitro, W. Va., that is about to be sold, or is in process of sale at this time. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on Monday next the Committee on Expenditures in the War Department may report to the House verbally on the plant at Nitro, W. Va., and that it may address the House for one hour at that time, the time to be controlled by the chairman of the committee.

The SPEAKER. The gentleman from Illinois has preferred the request which the House has heard. Is there objection to the request?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois touching the control of the time, if he would not be willing to provide that one half of the time should be controlled by the chairman of the subcommittee on ordnance and the other half by the minority member?

Mr. GRAHAM of Illinois. Well, it was my purpose, Mr. Speaker, to yield to the gentleman from Tennessee and divide time with him. I understand that Mr. JEFFERIS, the other member of our subcommittee on ordnance, does not desire to discuss the matter, and therefore I may say to the gentleman there will be at least no trouble about that. However, Mr. Speaker, it might be necessary for me to discuss this matter a little longer than half an hour. I do not know whether I can finish what I have to say in that time, but in that event I would suggest that it is very likely that we can get additional time from the House, and with that understanding I will concede that what the gentleman from Tennessee asks should be incorporated in the unanimous-consent request. I should like, however, Mr. Speaker, the indulgence of the Members of the House if we find we need to discuss that longer than they will give us more time.

The SPEAKER. The gentleman modifies his request so that half an hour shall be controlled by himself and half by the gentleman from Tennessee. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, under the rules of the House next Monday is set aside for the consideration of business reported by the Committee on the District of Columbia. It has been several weeks since the committee has had a day in the House, and there are some bills on the calendar of very great importance. So I hope the gentleman from Illinois will be able to find some other day. From what he says it is liable to take a greater part of the afternoon if he brings his matter up. I dislike to object, but I hope the gentleman can find some other day for its consideration.

Mr. GRAHAM of Illinois. If the gentleman will yield, I will state very frankly to the House why I think this ought to be brought up now. This sale over there is in progress now. If the House and the people of the country are to be informed about it, this thing will not wait. I do not know, Mr. Speaker, what the situation is as regards the program of the House, but it might be possible that next Tuesday could be set aside for District day, so that the day might be devoted to that; but so far as this is concerned I have not gone to the Rules Committee with it, because I thought very likely the Members of the House would concede us this right to come in on Monday without a rule. I do not want to interfere with the gentleman's work, as

I think it is important, but I think it important, too, if we are to make this report, that it be done quickly.

Mr. MAPES. I will say to the gentleman that I consulted a few days ago with the leaders on the majority side, including the Speaker, in regard to bringing up District business on Monday, and it was the consensus of opinion that Monday should be devoted to District business. It seems to me the gentleman could well put his matter over one day. Monday is the regular District day, and I would not feel as though I could consent to having it set aside.

The SPEAKER. Is there objection?

Mr. MAPES. I object, Mr. Speaker.

#### FOOD PRODUCTS, FUEL, AND RENT (H. RES. NO. 329).

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule I have submitted makes in order the consideration of the conference report on the bill from the Committee on Agriculture.

Some question has arisen about the language of the rule. I do not agree that other language to accomplish the same purpose would be preferable to the language that is used in this rule, but I do agree with the gentleman from Tennessee [Mr. GARRETT] and with others that this is not the proper way to legislate, and that conferees should not be encouraged to bring in legislation in conference reports that has not been considered by either House, but that if it is done it should be done by resolution authorizing the conferees to exceed their authority in advance, rather than in the consideration of the conference report after it has been agreed to under a rule making the objectionable matter in order in the conference report.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. GARD. Can the gentleman imagine more encouragement than to bring in two of these extraordinary rules in two successive days?

Mr. CAMPBELL of Kansas. I was just approaching that question. The matters under consideration have been hanging in conference for many weeks, and the conferees seem to have been unable to come to a conclusion in harmonizing their differences in any other manner than that in which they have agreed in the report submitted to the House. We are all almost worn to a frazzle. The House is tired; the Senate is tired, and if we keep on the country will be tired of what we are doing. It is important that we conclude our business at the earliest date possible, and it is important that the subject matters considered in this conference report be adjusted before Congress takes a recess or adjourns.

Mr. BEGG. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. BEGG. Assuming that what he has just said is exactly the truth, is that any justification for passing legislation at this time and at this moment?

Mr. CAMPBELL of Kansas. I am not justifying the passage of the legislation. I am justifying the right of the House to dispose of the matter one way or the other, and do it finally. The resolution does not commit the House to agree to the conference report. It submits the conference report to the House to be voted upon on its merits. That is what the resolution does that I have just submitted.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, it is characteristic of conferees—and I say this without intending any reflection upon the present conferees—to be entirely satisfied with their work and to seek the method of disposing of it which will be the quickest and which will give them the least difficulty. Hence the declination of the conferees in this case, as in the case that was before the House on yesterday, to take the method of a concurrent resolution, which would give to the House the opportunity to consider the legislation that they propose. For the convenience of the conferees we are asked to take this extraordinary method of passing a rule which prevents the House from considering legislation, in any proper sense of that term, that the conferees have themselves put into this bill. I am opposed to that. It involves a dangerous principle of legislation, and in this particular matter, as a practical proposition, it is worse than even that of yesterday, and for this reason: Let gentlemen recall the history of the legislation which is really in dispute here, namely, the rent legislation applying to the District of Columbia. That has not been before this body in any form for actual consideration. What occurred? The food bill reported from the Committee on Agriculture and passed by the House was sent to the Senate. There, under some sort of peculiar rules, which I do not understand—the



gentleman from Missouri, the former Speaker of this House, once expressed it, probably very accurately, when he said that that body had no rules and did not observe what they did have—but under some sort of rule they take up a bill concerning rents in the District of Columbia and put it on an Agricultural bill. That comes back to this body. And what occurs? The amendments are disagreed to informally, theoretically considered, but practically never read to the House. No chance to amend, no opportunity to perfect that legislation. And in that crude form it goes to conference, and the conferees find themselves in a condition where to give vitality and vigor to the very purpose or supposed purpose of the other body they must change the language of that particular bill or that particular part of the bill that was in dispute, and hence were compelled to exceed their authority. Now, what ought to have occurred, Mr. Speaker, was that the conferees should have brought here a concurrent resolution authorizing them to place in the bill the language which they found necessary. I should gladly have voted for a rule to make such a concurrent resolution in order, and thus bring it before the House for consideration under the general rules of the House.

Mr. WELLING. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WELLING. Why did not the House conferees do that very thing and ask for a resolution?

Mr. GARRETT. The only answer I can give to the gentleman is that the conferees were satisfied with their work. It may be good work—and I am saying this without any reflection on the conferees. They were satisfied with their work, and this was a quicker method, in their opinion, to bring about final action upon their proposition.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. ALEXANDER. The gentleman seems to level his criticism against the conferees. Primarily it rests against the House. Why was not that sent to the Committee on Agriculture and considered in the House in the first instance? The House took an easier course. The criticism rests primarily on the House and not on the conferees.

Mr. GARRETT. I am not criticizing the conferees in any offensive manner, I trust. What I am criticizing is this particular practice of legislating. If I were one of the conferees I would doubtless be satisfied with their work. But I am pleading for the integrity of legislative procedure; I am pleading for the opportunity of this House to pass upon this legislation in a way that it would have the opportunity to amend it if in its wisdom it thought it was desirable to amend it. That opportunity does not exist here now, because this conference report must be voted up or down as a whole, and there is no chance to place upon this legislation any amendment, however germane it may be or however desirable it may be. Against this sort of policy I protest. I realize that it is futile now, probably, so far as this particular rule is concerned; but I desire to give my support to the notice which the gentleman from Kansas [Mr. CAMPBELL] served upon the House yesterday, which he has reiterated again to-day, and I desire to assure him that he will have my support in the future against rules of this character.

Mr. Speaker, I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield one minute to the gentleman from Iowa [Mr. HAUGEN].

The SPEAKER. The gentleman from Iowa is recognized for one minute.

Mr. HAUGEN. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] has just stated that this matter has not been given consideration by the House. If any matter has been given consideration by the House, I believe it is the rent proposition. I call the gentleman's attention to the fact that it has been before this House twice—first, the Saulsbury resolution, and then the amendment thereto, besides the conference report that we had here a week ago.

Mr. GARRETT. I referred to the legislation involved in this particular bill and what has occurred in this Congress. There was nothing the other day except talk. There was no opportunity to amend.

Mr. HAUGEN. The facts are as I stated before. The amendments were hurriedly drawn, and the conferees thought it absolutely necessary to rewrite them in order to accomplish the results desired by the amendments. We have not changed the principle. The principle is the same, but we have clarified the language and made clear just what is desired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, in my opinion, when this bill came over from the Senate with this amendment to it, it should have gone to the Committee on Agriculture, and there the amendment would have been written, so that it would not be subject to a point of order, as it was when it came as a conference report. But I was persuaded not to object to the unanimous request that was made, that it might go to conference instead of to committee, with a view of hastening the bill to early passage.

As I have said on previous occasions, this bill is not all I would have, but I wish to repeat that it is all we are going to get. Delay after delay, running through a year and a half now, has enabled the profiteers to feed upon the Government employees and the public generally in the District of Columbia.

Again, as I said, this bill will either be good or bad, as the commission is good or bad. We can all only hope that it will be good. But I do wish to say in this connection that the profiteers to-day have out their candidates for the places of commissioners that are provided for in this bill. More than that, a citizen from Ohio, who is one of the principal lobbyists against the passage of an antirent profiteering bill, is still busy; he is still knocking at the doors of both Houses of Congress, asking for delay, asking that nothing be done. That is the plan. My judgment is that this rule should be adopted without delay, and then let us have the advantage of the legislation that is in the bill. I repeat, it is not all that I want, but it is something. Every time it has been tinkered with it has been hurt.

I said to you the other day that if this bill were sent back to conference it was reasonably certain that it would come back impaired in some respects, and it has so come back. It has been impaired some little. The conferees, in endeavoring to do justice with a certain condition, have yielded somewhat to it, and in order that they might be induced to yield, one particular instance has been cited to them which has some merit to it, in order to open the gates so that any number of apartment houses and boarding houses may become exempt from the provisions of this law.

I again wish to repeat that the further this thing will go the worse it will get, and to-day we are compelled to make choice between doing away with the alleged sacredness of a rule of the House or to permit profiteering to continue. Which are you going to take? There is no rule so sacred that it may not be suspended momentarily in order that great justice—justice crying almost to heaven—may be done. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. Accordingly the Clerk will report the conference report.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WALSH. I think the report ought to be read. I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will read the conference report.

The conference report was read.

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "section 1"; and on page 1, after line 2, of the engrossed bill insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'"

"Title I. Food control act amendments."

And the Senate agree to the same.



Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Title II. District of Columbia rents.

"Sec. 101. When used this title, unless the context indicates otherwise—

"The term 'rental property' means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith, but does not include an hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

"The term 'commission' means the Rent Commission of the District of Columbia.

"Sec. 102. A commission is hereby created and established, to be known as the Rent Commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be two years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

"Sec. 103. Each commissioner shall receive a salary of \$5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of \$3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall upon the presentation of itemized vouchers therefor approved by the chairman of the commission be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"Sec. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of \$1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

"Sec. 105. For the purpose of this title the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena or of the contumacy of any witness appearing before the commission, the commission may invoke the aid of the Supreme Court of the District of Columbia or of any district court of the United States. Such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena, or to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission.

"Sec. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable. Such complaints may be made (a) by or on behalf of any tenant, and (b) by any owner except where the tenant is in possession under a lease or other contract, the term specified in which has not expired, and the fairness and reasonableness of which has not been determined by the commission.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission shall be open to the public. If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and / or fair and reasonable service, terms, and conditions of use or occupancy. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property, apartment, or hotel, except an appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

"Sec. 107. A determination of the commission fixing a fair and reasonable rent or charge made in a proceeding begun by complaint shall be effective from the date of the filing of the complaint. The difference between the amount of rent and charges paid for the period from the filing of the complaint to the date of the commission's determination and the amount that would have been payable for such period at the fair and reasonable rate fixed by the commission may be added to or subtracted from, as the case demands, future rent payments, or after the final decision of an appeal from the commission's determination may be sued for and recovered in an action in the municipal court of the District of Columbia.

"Sec. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Court of Appeals of the District of Columbia, the determination of the commission shall be final and conclusive. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is



material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations if any for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court an appeal from a determination of the commission, the commission shall appear by its counsel or other representative and submit oral or written arguments to support the findings and the determination of the commission.

"SEC. 109. The right of a tenant to the use or occupancy of any rental property, hotel, or apartment existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property, hotel, or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property, apartment, or hotel shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property, hotel, or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"SEC. 110. Pending the final decision on appeal from a determination of the commission, the commission's determination shall be in full force and effect and the appeal shall not operate as a supersedeas or in any manner stay or postpone the enforcement of the determination appealed from. Immediately upon the entry of a final decision on the appeal the commission shall, if necessary, modify its determination in order to make it conform to such decision. The difference, if any, between the amount of rent and charges paid for the period from the date of the filing by the commission of the determination appealed from and the amount that would have been payable for such period under the determination as modified in accordance with the final decision on appeal may be added to or allowed on account of, as the case demands, future rent payments or may be sued for and recovered in an action in the municipal court in the District of Columbia.

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property, hotel, or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property, hotel, or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

"SEC. 112. If the owner of any rental property, apartment, or hotel collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and

in full force and effect in accordance with the provisions of this title, he shall be liable for, and the commission is hereby authorized and directed to commence an action in the municipal court in the District of Columbia to recover double, the amount of such excess, together with the costs of the proceeding which shall include an attorney's fee of \$50, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the treasury of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the treasury of the District of Columbia.

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property, hotel, or apartment the commission finds that at any time after the passage of this act but during the tenancy the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission, exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property, hotel, or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia.

"SEC. 114. Whenever under this title a tenant is entitled to bring suit to recover any sum due him under any determination of the commission, the commission shall, upon application by the tenant and without expense to him, commence and prosecute in the municipal court of the District of Columbia an action on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fee when recovered shall be paid into the treasury of the District of Columbia.

"SEC. 115. The commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction. Such procedure shall be as simple and summary as may be practicable, and the commission and parties appearing before it shall not be bound by technical rules of evidence or of pleading.

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, hotel, or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property, hotel, or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment for not exceeding one year, or by both.

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property, hotel, or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

"The owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and a schedule of

rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such hotels or apartments; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such hotel or apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title.

"SEC. 118. No tenant shall assign his lease of or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent for charge for such assignment or sublease.

"SEC. 119. The public resolution entitled 'Joint resolution to prevent profiteering in the District of Columbia,' approved May 31, 1918, as amended, is hereby repealed, to take effect 60 days after the date of the confirmation by the Senate of the commissioners first nominated by the President under the provisions of this title; but a determination by the commission made within such period of 60 days shall be enforced in accordance with the provisions of this title, notwithstanding the provisions of such public resolution. All laws or parts of laws in conflict with any provision of this title are hereby suspended so long as this title is in force to the extent that they are in such conflict.

"SEC. 120. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this title, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

"SEC. 121. If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment, as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

And the Senate agree to the same.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
THOS. L. RUBEY,

*Managers on the part of the House.*

A. J. GRONNA,  
HOKE SMITH,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: To this amendment the House recedes with an amendment, which amendment changes "the first paragraph" to "section one" which involves only a matter of form or phraseology; and adds: "That this act may be cited as 'the food-control and the District of Columbia rents act,' TITLE I.—FOOD-CONTROL-ACT AMENDMENTS," the purpose of which is for convenience and separating the food-control-act amendments from the District of Columbia rents.

The House recedes from its disagreements to the amendments of the Senate Nos. 2 to 10, inclusive. The changes resulting therefrom involve only matters of form and phraseology.

Amendment No. 2: This amendment strikes out "be, and the same."

Amendment No. 3: This amendment strikes out a comma.

Amendment No. 4: This amendment strikes out "so as."

Amendment No. 5: This amendment changes "the" to "such."

Amendment No. 6: This amendment strikes out "entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel' approved" and adds "of."

Amendment No. 7: This amendment strikes out "be, and the same."

Amendment No. 8: This amendment strikes out a comma.

Amendment No. 9: This amendment strikes out "so as."

Amendment No. 10: This amendment changes "And provided" to "Provided further."

Amendment No. 11: This amendment is the Senate amendment pertaining to rents within the District of Columbia. The House recedes with an amendment which is a comprehensive substitute therefor.

Section 101: This section contains the definitions. The term "rental property" includes all buildings and the land appurtenant thereto, within the District of Columbia. This term also varies the Senate amendment by covering all service furnished in connection with any rental property. Such service thus becomes an element in determining the fair value of rental property for the purpose of fixing the rent therefor. The terms "hotel" and "apartment" are similarly defined. The conference amendment further varies the Senate amendment by covering business property, and by providing a definition of "service." The Senate amendment definitions of "true value," "controversy," and "jurisdiction" are omitted as unnecessary.

Section 102: This section creates a commission of three members not engaged in or connected with the real estate business in the District of Columbia. The members are to be appointed by the President, by any with the advice and consent of the Senate, for terms of two years. The Senate amendment qualifications of two years' residence within the District is omitted.

Section 103: This section provides an annual salary of \$5,000, payable monthly, for each commissioner. Provision is further made for certain specified expenditures by the commission and the audit thereof. The Senate amendment provided an annual salary of \$6,000 for each commissioner.

Section 104: This section provides that the assessor ex officio becomes an advisory assistant to the commission. The assessor receives an additional salary of \$1,000 per annum for such additional duties, instead of \$2,000, as provided in the Senate amendment. The section further varies the Senate amendment by providing that every officer or employee of the United States or the District of Columbia shall upon request from the commission supply it with any data or information which is contained in the records of his office and which pertain to the administration of the title.

Section 105: This section provides that duly authorized officers and employees of the commission shall at all reasonable times have access to any books, records, or papers relating to any matter before the commission. The commission is given the power to issue subpoena for the production of such books, records, and papers, and for requesting the attendance of witnesses. The district courts of the United States are to enforce such subpoenas. The section varies the Senate amendment by providing that no officer or employee of the commission shall, unless authorized by it or by a court, make public any information obtained by the commission.

Section 106: This section declares that rental property and hotels and apartments are affected with the public interest, and that all rents and charges therefor and all service in connection therewith shall be fair and reasonable. The provisions of the section vary the Senate amendment, which provides for the determination of the commission of fair and reasonable rents, charges, services, and other terms and conditions of a lease or contract upon complaint of the tenant or owner by permitting the commission to make such determinations upon its own



initiative and by allowing the owner to complain when the tenant is in possession under a lease or contract which has been extended by operation of law or which has been modified by the commission. Such determinations shall be made upon notice and hearing to all parties interested. The provisions of the Senate amendment are further varied by a provision that any determination of the commission must be observed by all Federal courts and courts of the District of Columbia in any collateral action.

Section 107: This section provides that determinations of the commission fixing a fair and reasonable rent or charge upon complaint shall be effective from the date of such complaint. The tenant may collect any difference by deductions from future rent or by suit in the municipal court of the District of Columbia. This section in a measure is a substitute for a provision in the Senate amendment to the effect that the tenant could recover damages for any unreasonable rent collected under a lease or contract made subsequent to September 15, 1919, even though such collections were made previous to any determination by the commission that the rent or charge collected was unfair or unreasonable.

Section 108: This section provides that appeals from the commission's decisions are permitted to the Court of Appeals of the District of Columbia for error in law. The commission shall provide counsel in any such appeal to defend its determination.

Section 109: This section continues the Saulsbury resolution, save that the tenant holds possession, not under the terms of the expired lease or contract only but under such terms, subject to modification, upon complaint by the owner to the commission under section 106. This section varies the Senate amendment, which permits the owner to recover his property when required for the bona fide occupancy of himself or his wife or dependents by providing that any dispute as to the good faith of any such requirement shall be determined by the commission. It varies the Senate amendment further, in that it also permits the owner to recover his property for the purpose of immediate construction of new rental property (hotel or apartment) of a character approved by the commission.

Section 110: This section provides that the commission's determination shall remain in force, despite the taking of an appeal, until such appeal is decided. These provisions were not present in the Senate amendment.

Section 111: This section provides that any determination of the commission shall apply to the rental property, apartment, or hotel involved, despite any change in tenancy or ownership thereof, until the commission modifies such determination in a future proceeding. These provisions were not present in the Senate amendment.

Section 112: This section penalizes the collection of rent in excess of that fixed by determination of the commission by permitting the commission to sue the owner in the municipal court of the District of Columbia for double the amount so collected, together with costs and a \$50 attorney's fee. The tenant shall receive that part of the excess which he paid the owner involuntarily. These provisions were not present in the Senate amendment, except in so far as the Senate amendment provided a criminal penalty for a violation of an order of the commission.

Section 113: This section provides that the commission may assess any loss suffered by a tenant due to a willful withdrawal of service by the owner or the exposing of the tenant to any unsafe or insanitary condition or the imposing upon the tenant of any additional burden or unusual inconvenience or the collection from the tenant of any bonus in connection with any existing lease. The tenant may recover such amount by suit in the municipal court of the District of Columbia. Those provisions were not present in the Senate amendment.

Section 114: The commission, upon application of the tenant, shall recover for such tenant any sum due him as the result of any determination by the commission. These provisions were not present in the Senate amendment.

Section 115: This section provides that the procedure of the commission shall be simple and summary and shall not follow technical rules of evidence or pleading.

Section 116: This section provides a criminal penalty of \$1,000 or imprisonment not exceeding one year, or both, for any person who enters into any agreement or arrangement for the payment of any bonus in connection with any lease or other contract, or who participates in any fictitious sale or other arrangement to avoid the provisions of the title. These provisions were not present in the Senate amendment.

Section 117: This section gives the commission the power to provide for and require the use of standard forms of lease. The section further requires that hotels and apartments file with the

commission plans and schedules of rates and charges. The commission shall make collective determinations of the reasonableness and fairness of the rates and charges of all rooms or apartments in any hotel or apartment in a proceeding similar to that under section 106. These provisions were not present in the Senate amendment.

Section 118: This section prohibits subletting at an advanced rent or charge without the consent of the commission. This varies the Senate amendment which prohibited all subletting without consent of the owner or of the commission.

Section 119: This section repeals the Saulsbury resolution 60 days after the confirmation by the Senate of the commissioners first nominated by the President. All portions of the landlord and tenant law directly in conflict with the title are suspended so long as the title is in force. The Senate amendment provided for the repeal of the Saulsbury resolution 30 days after the act took effect.

Section 120: This section provides an appropriation of \$50,000.

Section 121: This section provides the usual provision as to the effect of holding unconstitutional a portion of an act.

Section 122: This section declares the war power is one basis of Congress's authority for enacting the title and that the title is temporary legislation. The section further bases the title upon the power of Congress to prevent any embarrassment to the Federal Government in the transaction of public business resulting from rental conditions dangerous to the health of and burdensome to Federal officers and employees and persons whose activities are essential to the maintenance and comfort of such officers and employees.

Amendment of the Senate to the title of the bill: To this amendment the House recedes with an amendment which adds: "and to regulate rents in the District of Columbia."

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
THOS. L. RUBEY,

*Managers on the part of the House.*

Mr. HAUGEN. Mr. Speaker, I will point out the changes between this conference report and the one presented a week ago.

In section 101 the words "lands or," were stricken out and the words "or land appurtenant thereto" were inserted. As the section was originally drawn it included vacant lands; now it will include only land appurtenant to the buildings referred to.

In section 102 the word "three" was stricken out and the word "two" inserted, so as to limit the term of the commissioners from three to two years.

In section 109 the following language was added:

Or for the purpose of tearing down or razing the same in order immediately to construct new rental property, hotel, or apartment if approved by the commission.

That is, the tenant may be dispossessed if the building which he occupies is to be torn down or razed for the purpose of constructing a new building, if approved by the commission.

Then, in section 117, we strike out the words "upon the request of the commission," so as to make it mandatory for the hotel owner to file the information called for. It is also mandatory upon the commission to fix fair and reasonable rates. The last change fixes the term of the act, limiting it from three to two years. As now drawn it will expire in two instead of three years.

I believe that these are the only changes that have been made from the first conference report.

I reserve the balance of my time.

Mr. BEGG. Mr. Speaker, I desire to speak in opposition to this bill.

The SPEAKER. The Chair recognizes the gentleman. The rule provides that there shall be one hour's debate, to be equally divided between those favoring and those opposed to the report.

Mr. BEGG. May I inquire for what time the Speaker recognizes me?

The SPEAKER. The Chair will be glad to inquire what gentlemen desire to be heard against the report.

Mr. BEGG. If the Chair will pardon me, I suggest that if he will give me control of the time in opposition, I care for only about 10 minutes for myself.

The SPEAKER. The Chair does not think he is authorized to do that.

Mr. WALSH. Then the gentleman from Iowa [Mr. HAUGEN] can not control the time in favor of the report.

The SPEAKER. No; the gentleman from Iowa does not control the time. The Chair will be glad to have unanimous consent that it shall be controlled by the gentleman from Iowa and the gentleman from Ohio.

Mr. WALSH. I ask unanimous consent that the gentleman from Iowa [Mr. HAUGEN] may control 30 minutes in favor of

the report and the gentleman from Ohio [Mr. BEGG] 30 minutes against it.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Iowa [Mr. HAUGEN] control 30 minutes in favor of the report and the gentleman from Ohio [Mr. BEGG] control 30 minutes against it. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker, I wish to be notified when I have consumed 10 minutes.

I think I have possibly been misunderstood in my attitude in opposing what I believe to be vicious legislation. So far as the conferees have gone, with one exception, I am perfectly willing to go with them. Under the guise of the emergency that seems to exist, I honestly fear that instead of alleviating the conditions that confront us in the District of Columbia to-day they have only created the machinery that will either cause this law to be declared unconstitutional by the courts of the District of Columbia—which I am very frank to say, not as a lawyer but as a layman, I think will happen—or else I can see nothing other than the creation of the machinery to prolong in power the subletter, who is the very individual that is the curse of the District of Columbia to-day. In spite of all that has been claimed for this act, you have not given the subletter the death blow which he so richly deserves. You have created the machinery whereby you have robbed the legitimate, honest, bona fide investor in real estate in this town; and if you can do it in the city of Washington, you have certainly set a precedent that is going to confront you in other cities in the United States. You have robbed the legitimate owner of property, whether he be the owner of a thousand-dollar cottage or a million-dollar apartment house, of the control of his own property. You have taken it away from him and given it to the subletter.

What is a lease? The word "lease" is used repeatedly in this bill. Now, if it is anything, it is a contract. I will submit to the lawyers of this House if that is not a fair statement that will stand in any court. A lease is a contract. Any contract, in order to get recognition in any court, must be founded on the fundamental and basic principle of a coming together of two minds on some subject for a consideration, for a limited time. That is a contract; and if this bill does not destroy the contract and give the lessee unlimited time, in violation of the will of one party to the contract and the mutual agreement with the lessor, then I can not read the English language. Why, the wildest-eyed Bolshevik that ever spoke from a soap box in the city of New York never advocated any wilder doctrine than this; and I want to say to you men that you will be confronted with this same proposition when you go to your homes, with having set up a precedent for taking away from a property owner the right to determine who shall live in his house. I am not averse to saying by law what he shall charge, because I myself am paying \$136 a month for two little old rooms in this town that are worth about \$16 a month.

I am in favor of a rent commission to regulate the price; but in the name of God, men, does the property right founded in the Constitution and the bill of rights of the Constitution mean anything, or can you legislate it away? The only excuse that the proponents of this bill have is that they say the property owners of the District of Columbia are a bunch of thieves and robbers, and that they do not deserve any consideration or any rights. I challenge you men who are in favor of this bill in this form to go back home and pass such a bill for your State. If you do, you will never get another vote from any man who owns property valued at as much as \$500. If there is a thing that America is going to be confronted with—and it is going to be the dead line inside of five years' time—it is a showdown between the man who through industry and perseverance and economy has saved out of a mere pittance enough to acquire something, and the profligate and the waster who has spent his all, to-day has nothing. I know what it means to be poor. I have always been poor, and I have rented nearly every year of my life. I expect to rent every day that I live in Washington, and I have not a dollar to-day other than that which I have earned by hard work and the economy of my wife and my children and myself. But do you think I will stand on the floor in the Hall of the United States Congress, or any other spot, and vote away the sacredness of the interest of the man who owns his house as to who shall occupy it? I want to emphasize again that I do not care how much you regulate the price a man shall pay, but let the owner say who shall live there.

I submit to every fair-minded man if that is asking anything more than is guaranteed by our Constitution. I stand here to

prophecy that the courts will call this law unconstitutional; but if they do not, I have lost my confidence in the old teaching of the sacred protection that is thrown around every man by that old mantle, the Constitution of the United States. I want to say to you that the fear of being punished does not deter me from defending the sacred principles that I believe made this country what it is to-day.

I want to submit this final question and then I am willing to turn over some time to some other gentleman. Who made this country to-day what it is, from the time of the adoption of the Constitution until now? Was it the man who was industrious, the man who saved, the man who acquired, or was it the other element of society? Think it over. Now, will you take away from him one of the fundamental rights guaranteed by the Constitution of the United States, and make that first step in the Capital? The reason, and I do not have any hesitancy in saying it, why some of you are so ready to take it away from the people of the District of Columbia is because you think they can not get after you. They do not have a vote. You will not go back to your homes and talk that kind of stuff that you are now talking on the floor of the House.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BEGG. I will.

Mr. HUDDLESTON. In line with what the gentleman has just said, permit me to call his attention to the fact that the Committee of the Whole House in considering this bill originally voted by a vote of seventy-odd to about sixty to incorporate an amendment to apply this same principle against which the gentleman complains to the whole United States. That is to say, we adopted an amendment which included rentals and made it a crime for the tenant or owner to charge more than a reasonable rate for the premises, and it was applicable to the whole United States.

Mr. BEGG. I have no quarrel with the man who wants to fix a price where the law of supply and demand can not function properly. But when it comes to saying to the owner you shall let John Jones occupy your premises instead of Sam Smith, you are transgressing the sacredness of property rights.

Mr. HUDDLESTON. But the gentleman said we would not dare to go home and make that kind of talk. I want to call his attention to the fact that the majority of the Committee of the Whole did do it.

Mr. BEGG. But it is not on the statute books.

Mr. HUDDLESTON. No; it did not pass in the House, but at least 79 Members of the House were willing to "talk that kind of stuff" with reference to the people at home.

Mr. BEGG. I would suggest to the gentleman from Alabama that he go home and work for that in his legislature and see what happens after the public understands what he is doing. Mr. Speaker, I reserve the balance of my time.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. RUBEY] 15 minutes.

Mr. RUBEY. Mr. Speaker, I would like to be notified when I have used 10 minutes. Mr. Speaker and gentlemen of the House, as the gentleman from Kentucky [Mr. JOHNSON] has stated, we are presenting to you this afternoon a bill which is not so good a bill as the one we presented to you about a week ago. When that bill came before the House, a point of order was made against it by the gentleman from Ohio [Mr. BEGG], and the point of order was sustained. It then went back to the conferees, and it now comes to you somewhat weaker, in my opinion, than it was when it was here before. We were compelled to strike out that part of the bill which refers to land, and in doing that we have prevented the United States Government from saving a great many thousand dollars which it has been paying in excessive rents. If that provision could have remained in the bill, it would have meant the saving of thousands of dollars to the Government. The gentleman from Ohio [Mr. BEGG] has succeeded at least in saving that much money to the property owners who are renting land to the Government in the District of Columbia. The second provision is that we cut down the length of time to two years. In doing that, we have weakened this measure. We passed the Saulsbury resolution a little over a year ago to meet a peculiar situation in the District of Columbia. We had passed a bill through this House advocated by the gentleman from Kentucky [Mr. JOHNSON], an excellent bill in my opinion. It went to the Senate and then there came a disagreement between the two bodies and we could not get legislation. The result was that in order to protect the tenants in the District of Columbia, thousands of whom were Government employees, we passed the Saulsbury resolution. That went into effect and that has enabled the tenants, the employees of the Govern-



ment, to retain their respective places of abode up to the present time.

My friend from Ohio [Mr. BEGG] talked to you about the owner of the property. Let me say to him and to you that there are thousands of Government employees in Washington to-day who are holding their rooms and their apartments by virtue of the Saulsbury resolution, and they have been notified by the owners that just as soon as the terms of the Saulsbury resolution expire they will be put out in the street. Does the gentleman from Ohio want the employees of this Government, the young men and the young women who have come here from every State in this Union, who are working at moderate salaries of from twelve hundred and two thousand dollars a year, and who took advantage of a law passed by Congress for their benefit, to be put out at the behest of the owners of the property? I say no.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. JOHNSON of Kentucky. In the remarks made by the gentleman from Ohio [Mr. BEGG], a few moments ago, he said, and correctly said, that perhaps the worst profiteer in the District of Columbia is the subletter. Does not this bill provide in specific terms that the subletter shall not sublet at a price greater than that which he himself pays?

Mr. RUBEY. I will say to the gentleman from Kentucky that there is in this bill, in section 118, the following provision, and I want to read it for the benefit of the House:

No tenant shall assign his lease or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission, upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent or charge.

And so forth.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. STEVENSON. There is no provision there providing against the man who rents an apartment unfurnished and then furnishes it and sublets it. That is one of the great profiteering schemes. I happen to know of apartments to-day rented for \$65 a month where the subtenant puts in about \$700 worth of furniture and then rents the whole thing for \$175, and I have paid some of that rent myself.

Mr. RUBEY. The evil that the gentleman has stated is one of the greatest evils we have in the city of Washington to-day, and I have no doubt whatever that it is taken care of absolutely in this bill and that the commission will fix a fair and reasonable rate of rent that that tenant shall charge to the subtenant.

Mr. STEVENSON. Do you give them the jurisdiction to establish the rental of the furniture.

Mr. RUBEY. There is no question about that.

Mr. HERSEY. But you have denied the House the privilege of amending that section, have you not?

Mr. RUBEY. Mr. Speaker, the parliamentary situation denies that. The parliamentary situation is such that we come here with a conference report, and the House must accept it or reject it. I regret very much that this House can not take up and consider this bill from beginning to end, go through it and amend it in any way it sees fit, but we have a situation confronting us in the city of Washington that must be met; we can only meet it by passing some kind of legislation, and that proposed legislation is now before us in the shape of this conference report.

As I said a moment ago, the worst feature is the cutting down of the time to two years. We passed the Saulsbury resolution. It is in effect now; it is a makeshift. When we pass this bill and cut the time down to two years it becomes somewhat of a makeshift. The commission can not get organized and into active operation within six months, and they can not plan out the work and do it as efficiently as they could if they had four years before them. Besides you are not going to be able to get competent men to come to the city of Washington and take a responsible position of that sort at a salary of \$5,000 a year when they know that the term of office is only two years.

The result is going to be that when this commission is appointed they are going to be men selected from the District of Columbia, because competent men can not be found from other localities who will accept that sort of a position for so short a time. I wish it were possible for the President, as he has the right to do under this bill, to go out into other communities and get good, efficient, experienced men who are not in any way mixed up or connected with the affairs of the District of Columbia, to come here, as disinterested judges and jurors,

to pass upon those questions that will come up between landlords and tenants. I think that two of the commissioners should come from outside the District of Columbia.

Mr. Speaker, they tell us that this is temporary legislation; that it is going to last just for a little while. I want to say to you that, in my opinion, the legislation that we are about to enact is going to stay on the statute book. They say we should let the law of supply and demand regulate. I say to you that the law of supply and demand, so far as rents are concerned, has been long since repealed by the rent hogs and profiteers in the District of Columbia, and they are not going to let the law of supply and demand come back, and you can rest assured of that. Let me tell you another thing. Your people and mine are coming here every day from every part of the country, and they are being held up by the high rates at the hotels. I have been here at two inauguration ceremonies and I have known of the large hotels in this city charging \$25, \$50, and \$100, and even more per day to the people who come here from your State and mine to witness the inauguration ceremonies. It has been absolutely outrageous, and upon these occasions I have heard Members of Congress condemn that sort of thing and say that we must pass a law to prevent it. Yet, time goes on, and after a few weeks you forget all about it and do not enact any legislation to prevent the hotels from making these exorbitant charges. This bill that we are going to pass this afternoon will, in some form or other, remain on the statute books. You can rest assured of that.

I reserve the remainder of my time.

Mr. BEGG. Mr. Speaker, I yield 15 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker and gentlemen of the House, very few Members are present this late Saturday afternoon. I noticed that many of you did not listen very particularly to the reading of the conference report, and I fear that few have even studied the Ball rent bill that has to-day been brought into the House as a legislative rider on a report of a committee of conference.

This new and novel method of legislation ought to be something startling to the Congress of the United States. For the first time in our history a conference committee has attempted to deprive the House of the benefit of a committee hearing and right of amendment or the proper consideration of new legislation and to force through a most vicious rider against the best judgment of a majority of this House.

This deplorable condition in legislation has been brought about by very peculiar parliamentary tactics on the part of those who could not succeed by the use of the usual and customary methods of procedure. The food-control bill recently passed the House and went to the Senate; on its return from the committee of conference it was found that the committee had taken a long, complicated Senate bill, called the "Ball rent bill," that had never been considered in the Senate, and had agreed with the Senate conferees to adopt and make this rent bill a part of the food-control bill.

The House committee of conference, knowing that the House would reject such a conference report, secured in advance of making their report a rule from the Committee on Rules making in order this Ball rent bill, thereby limiting the debate to 30 minutes on a side and depriving the House of the right to even amend this long rent bill in any particular, and also by the rule forcing the House to accept and vote for this vicious legislation or defeat the food-control bill, a measure that all the Members favored.

I do not understand how it was possible for the conference committee to secure from the Rules Committee the necessary power to deprive the House of the right to give proper consideration to new and important legislation. It will not happen again, we are informed, for the able chairman of the Rules Committee, the gentleman from Kansas [Mr. CAMPBELL] in presenting the rule apologized for the rule and said he would never do it again. This is his statement from the Record:

Mr. CAMPBELL of Kansas. I agree with the gentleman from Tennessee [Mr. GARRETT] and with others that this is not the most desirable procedure on a conference report, and I want to serve notice now upon conferees that they must not bring conference reports to the Committee on Rules with a request that their provisions be made in order contrary to the ordinary rules of the House.

The gentleman from Tennessee [Mr. GARRETT], one of the most useful and efficient members of the minority, and who has a high regard for the rules and always insists that the House shall have proper opportunity to discuss and amend all bills presented, felt keenly the embarrassment and humiliation of his committee in bringing in such a rule, and he, too, promised it should never occur again. I quote him from the Record, as follows:

Mr. GARRETT. I am pleading for the opportunity of this House to pass upon this legislation in a way that it would have the opportunity to amend it if in its wisdom it thought it was desirable to

amend it. That opportunity does not exist here now, because this conference report must be voted up or down as a whole, and there is no chance to place upon this legislation any amendment, however germane it may be or however desirable it may be. Against this sort of policy I protest. I realize that it is futile now, probably, so far as this particular rule is concerned; but I desire to give my support to the notice which the gentleman from Kansas [Mr. CAMPBELL] served upon the House yesterday, which he has reiterated again to-day, and I desire to assure him that he will have my support in the future against rules of this character.

The able gentleman from Tennessee [Mr. MOON], on Saturday last, made a logical and unanswerable argument against this "Ball rent bill." His speech was short, and I shall insert it as a part of my remarks. It is as follows:

Mr. MOON. Mr. Speaker, I am not concerned in the ad hominem arguments that have been made to-day. But I believe this bill to be thoroughly unconstitutional in every way, and therefore I would not support it under any circumstances. It is an invasion of the rights of property that the Constitution does not authorize. To say that Government employees must be housed does not carry with it the right to say to the citizen that he shall furnish the housing at such figures as a commission may fix. You may take private property for public uses and public purposes, but I deny the right under the Constitution of this Congress to take private property of a citizen and turn it over at figures fixed by a commission in the interest of another citizen.

When you have said that the man who owns a piece of property has no longer the right to control it, no longer the right to say who shall occupy it, no longer the right to say what the price shall be, it is such an invasion of the private rights and interests of a citizen as comes directly in conflict with the provision of the Constitution that guarantees the protection of property in this country.

It is a beginning of that system of legislation, the fixing of rates and prices about everything that you will find the most dangerous and pernicious that has ever been undertaken. There should be general laws controlling all things, but when the Congress goes down to the private citizen and says you shall handle your property this way, that you shall fix this price and no other, Congress has assumed an undertaking that it can not very well carry out.

I insist, Mr. Speaker, that the best interests of this country require that life, liberty, and property under the Constitution shall be protected by the Congress, and you shall not pass any of these Bolshevik laws affecting the property rights of the people of this country. If I own a house, have I not the right to say who shall go into it; if I want to rent it, shall I not have the right to say what the price shall be; if I want to leave it vacant, have I not the right? What right have you under the Constitution to destroy the rights of property which the law gives the citizen? It is an infamous suggestion. [Applause.]

In the three minutes I have I can not discuss this bill nor the constitutional limitations on the powers of Congress in time of war or peace on the questions involved. The mere statement that no power can be found in the Constitution to force the citizens of the District of Columbia to make unwilling contracts as to the use of their property ought to be sufficient for all just men to oppose this measure. Congress can not impair, by express terms of the Constitution, the obligations of contracts in the State, and under the spirit of the Constitution it can not make contracts for the private citizen to accommodate another private citizen in the District of Columbia, however desirable it might be to reduce rents. If it can be done as to rents, it can be done as to all things; and you become the masters and not the servants of the people, and you rule the District as only masters can rule slaves.

Mr. Speaker, in the few moments I have remaining I want to bring before you some of the features of this vicious and unconstitutional rent bill. What does this "Ball rent bill" propose?

It provides a court composed of three commissioners, to be known and called "the rent commissioners of the District of Columbia," to be appointed by the President, to hold office for three years, and receive each a salary of \$5,000 a year. The commission shall appoint a secretary, who shall receive a salary of \$3,000 a year, payable in like manner; it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this Ball rent bill.

The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the power or duties of a commissioner. The assessor shall receive a salary of \$1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

The only qualifications required of these commissioners is that none of them "shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia." In other words, this court shall be made up of renters; owners of real estate are disqualified. I would like to have a photograph of this bunch of irresponsibles that exercise arbitrary power and control over all private property in the District of Columbia.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. HERSEY. I can not yield at present.

Mr. JOHNSON of Kentucky. Will the gentleman yield later?

Mr. HERSEY. I may if I get through with what I want to say.

Now, what is the jurisdiction and power of this rent commission? I have only time to call your attention to a few of the many arbitrary and unconstitutional powers granted to this

court over the 470,000 persons that live in the District of Columbia.

These rent commissioners have by this Ball rent bill full control and authority over all the rental property, land or building or part thereof, in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith, hotels or apartments. Also over the tenant, subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property, hotel, or apartment. Also over any hotel or apartment, or part thereof, in the District of Columbia, rented or hired, and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith. Also over the owner, lessor, or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel, or apartment, or any interest therein, or his agent. Also over the service, furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

Further, the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence.

This new court for the District of Columbia provides and furnishes an attorney free of charge for the benefit of the tenant and pays all his costs in the lawsuits in all matters of rents and real estate and contracts with real estate owners; but the owners or landlords get no free services or benefits, but pay the costs of the proceedings before a court organized to look after the interests of the tenants only.

This prejudiced court has the power and authority to make its own rules of procedure, and at the hearing or trial they are not even bound by the usual and ordinary rules of evidence. Trial by jury, provided and guaranteed by the Constitution, is denied to the owners of real estate. They are to be robbed of their property without a jury trial and in total disregard of the rules of evidence.

From the decision of these autocratic commissioners on a question of fact there is no appeal. They shall fix and determine the amount of rent charges and services and all the terms and conditions of a lease or other contract for the use or occupancy of any rental property, hotel, or apartment, and from their decision there is no appeal. They can change all contracts and leases of real estate in the District, permit the tenant to sublet in violation of his contract, and when the lease has expired and the tenant, under his contract, has no further right to occupy the premises, this commission is authorized and empowered, against the wish of the landlord, to extend the lease for two years more, and from this decision there is no appeal.

And this is not all. This unconstitutional commission shall make all contracts between landlord and tenant in the District of Columbia; they draw the forms, agreements, covenants, and terms between the parties, and provide that no other forms shall be used and no other contracts or agreements made by the owners of real estate under a penalty of a fine not exceeding \$1,000 or by imprisonment for not exceeding one year, or by both.

Under this "Ball rent bill" these commissioners have power and authority, within the District, to demand that the owner of every hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and the commission shall determine and fix the rates and charges for such rooms, hotel or apartment, for two years, and from this decision the owners of the real estate shall have no appeal.

Such a despotic use of unbridled power is clearly unconstitutional, and the authors of this so-called "Ball rent bill" know it; but they seek to escape by invoking the war powers of the Constitution after the war is ended. They say:

SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to



public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed.

The late war brought an influx of 150,000 new renters into the District of Columbia, and they will remain here, even after the war has ended. The real estate owners of Washington have used their capital and all their resources to enlarge tenements, build houses, hotels, and apartments to meet this great demand, and if given a reasonable time they will solve the problem, and the law of supply and demand will take care of rents and charges. The Washington Times of yesterday says:

BUILDING IN DISTRICT OF COLUMBIA SHOWS BIG GAIN—HEALY'S REPORT SHOWS TEN MILLION EXPENDED IN LAST YEAR.

Building operations in the District during the fiscal year ended June 30, 1919, showed a very marked increase over the preceding 12 months, and \$10,520,866 was spent on new buildings and improvements in the Capital, which is an increase over last year of \$356,409, the report of John P. Healy, inspector of buildings, shows. New homes erected numbered 749.

During the same period 4,948 permits were issued to build and make improvements. This is an increase of 1,042 over the past year. There were 1,267 brick buildings and 331 frame buildings erected during the year.

This "Ball rent bill," if held constitutional by the courts, will stop at once all further building and progress in the District of Columbia. The tenant you propose to help will find himself unable to obtain rent, and the tenements will be vacant because the landlord can not under any law be forced to rent his property. Harry Wardman will build no more beautiful apartment houses to grace this great city, for under this law he will have no more to say about his property than an idiot under guardianship. Under this bill Jack and Jill, who work on the street cars or in the sewer department, and who possess nothing but their daily wage, can live at the New Willard Hotel, for those beautiful rooms will be rented by the commission at a low rate, and the city hotels will be nothing but cheap rooming houses. The great dining rooms will be closed while the roomers eat at lunch counters.

In the meantime the courts will declare this vicious "Ball rent bill" unconstitutional. These three wise commissioners will lose their jobs and salaries and be forced to seek some honest employment and pay a reasonable rent and be bound to keep their contracts. Property rights will still be held sacred at the Capital of the Nation. Congress will recover from its hysterical condition and legislate in a sane and lawful manner, and the good people of the District of Columbia, although they have no vote, will still be entitled to "life, liberty, and the pursuit of happiness."

Mr. RUBEY. Mr. Speaker, I yield the remainder of my time to the SPEAKER from Kentucky [Mr. JOHNSON].

The SPEAKER. The gentleman from Kentucky is recognized for three minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I regret that it becomes necessary to correct misinformation that has been conveyed to the House by the gentleman from Maine [Mr. HERSEY], who has just spoken. The gentleman from Maine, it appears, has made a careful study of the bill. He spoke from elaborate notes, which, at least, indicates that he has made a careful study of it. After his careful study of the bill, he enunciates two propositions. The first is, that it is unconstitutional, and the next is that a man who owns any property can not be a member of the rent commission. The constitutional question is a large one, but lawyers as good as the gentleman from Maine in the past have been mistaken upon propositions like this, and I greatly trust that in this instance the wish is not father of the opinion.

We remember quite well that only a few years ago Mr. Taft, then President of the United States, a most careful lawyer, vetoed a bill of great national moment because it was unconstitutional. In a few months thereafter the Supreme Court of the United States held it to be constitutional.

As to the other proposition, that a man can not own any property and be a member of this commission, I believe I have only to read this section of the bill, section 102:

A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia.

Can anything be plainer than that the gentleman has made a mistake in his interpretation of the bill? A man can own all the property he wants to own here in the District of Columbia or elsewhere and be eligible to membership upon this commission provided he is not interested in the real estate or renting business.

The SPEAKER. The time of the gentleman has expired.

Mr. BEGG. Mr. Speaker, I should just like to call the attention of the House to this condition: If I own my property and desire to be gone for the summer, say over the vacation, and I can not afford to leave that property setting idle, if I sublease it to a man when this bill becomes a law, under section 109, I defy any legitimate property owner to get the tenant out without the trouble of going before the commission and establishing the fact that you want the property again for the bona fide residence of your own family.

Let us suppose just a little variation of that. Suppose that I have a property and a family; suppose I have a son who is going to be married in two years, and I do not need this property which I have until two years. A legitimate tenant comes to me and makes a legitimate contract with me to vacate that property in two years' time, so that my son may live in it. If this law passes, if this bill becomes a law, there is no power that can get that tenant out of that property against his will, because section 109 says "any contract or lease made hereafter"—even after this law becomes effective—"any lease or any contract for such use or occupancy or under any extension thereof by the operation of the law shall, notwithstanding the expiration of the term, continue." In other words, it shall not expire, even in the face of the fact that there was a contract or agreement between the two parties of sound mind, recognized as having power to make a contract. This law says it shall not expire if the lessee decides that he does not want to move out.

Read it, gentlemen. I simply make a closing appeal to you, gentlemen, not to defeat the provision of the law but to compel these conferees to take cognizance of the fact that the owner of the property has some rights. I hate to oppose this bill, because it has many good features. It will strike somewhat at the high rates of rent. But in a choice between two evils I would rather be robbed of something in paying house rent than jeopardize property rights.

If the conferees had been willing they could have amended this bill without any trouble. One of the conferees stated on the floor that the bill was not a good bill, and in the next breath he said, "You could not get good men as commissioners to serve for \$5,000 for two years," but he said it would stay on the statute books; it would stay on, and—

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. RUBEY. The gentleman is misquoting me. I did not say it was not a good bill. I said it was not as good a bill as was brought in the other day.

Mr. BEGG. I beg the gentleman's pardon. I stand corrected. But the gentleman said in his judgment it would stay on the statute books permanently. I submit to you, gentlemen, if you are framing a basic law that is likely to become permanent, should you not be a little bit jealous of the direction that this is going?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

The SPEAKER. The gentleman from Michigan is recognized for five minutes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I am sure the House does not wish to listen to a constitutional argument, and if it does wish to hear such an argument, I am not able to make it. But we took counsel of gentlemen who are supposed to be learned on these questions, and without exception they expressed themselves to the effect that this bill is constitutional. The Congress of the United States, under the Constitution, has exclusive jurisdiction over the District of Columbia; a state of war exists; disturbed conditions following and due to the war will exist for a long time; and the war power of Congress continues while these conditions continue. And, besides, the Government of the United States has the right to protect itself. If not, a condition somewhat aggravated over the condition now existing might exist, making it difficult for the Government to function. Unquestionably the Government has the right to protect itself.

The gentleman from Ohio [Mr. BEGG] says that Congress has no power to pass a law impairing the obligation of a contract. There is nothing in the Constitution to that effect. The only provision of that kind in the Constitution is that no State shall pass a law which impairs the obligation of a contract, and that is the only limitation of that kind I know of. There is no express limitation of that kind as to the power of the Congress of the United States that I know of.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes; briefly.

Mr. WALSH. Do I understand the gentleman to say that a few of the landlords here in the District of Columbia could prevent the Government of the United States from functioning?

Mr. McLAUGHLIN of Michigan. A few of them?

Mr. WALSH. Or all of them.

Mr. McLAUGHLIN of Michigan. Yes; and other owners of rental property. They might embarrass the Federal Government seriously, and it is to forbid and to prevent that that this act is passed.

Mr. WALSH. That is a very interesting statement.

Mr. McLAUGHLIN of Michigan. The gentleman from Ohio [Mr. BEGG] is insisting that there shall be an amendment. For what purpose? I will tell you why. So that a tenant can be thrown into the street without notice, without any opportunity to appeal to a board, to a commission, or to a court. Why do I say that? A week ago the gentleman was discussing this bill and was insisting that the right of the landlord is being taken away from him. His remarks appear on page 6373 of the RECORD of October 4. He said:

Put in mine—

That is, speaking of his amendment—  
and you will get rid of them—

The tenants—  
the day you pass it.

Mr. BEGG. That is the sublettor.

Mr. McLAUGHLIN of Michigan. He said:

How soon can a bona fide owner of property get rid of a sublettor under this? Under this law all I am asking is some kind of an arrangement whereby it can be done at once.

This law is intended to prevent that very thing; it is intended to take away from anyone who controls property—the owner, the lessee, or the sublessee—the arbitrary right to fix rents or renting conditions, to make them exorbitant or unreasonable, if he wishes to do so, or to forbid possession altogether of rental property, and to put the tenant into the street at his will and pleasure.

It is to prevent extortion and unwarranted abuse of tenants and at the same time to protect property owners in a proper use of their property that this law is to be passed. The gentleman from Maine [Mr. HERSEY] speaks about no opportunity having been given on the floor for those who wish to plead the cause of the owners and the landlords. Well, I did not know that any gentleman here wished to appear and pose as the representative of the owner and the landlord. The conferees, to the limit of their ability, took into consideration the rights and obligations of owner and lessee alike. We tried and did the very best we could to protect both, and in my judgment that has been done in the bill. No one of the conferees took the position which the gentleman from Maine takes, that somebody must be on hand on committees and on the floor of the House to represent the owner and the profiteer. We tried to give proper consideration to the rights of all, and I believe we have protected all. We think we have brought a fair bill before this House.

Mr. WELLING. Is it the judgment of the conferees that this bill will decrease the building that is now going on in the District of Columbia?

Mr. McLAUGHLIN of Michigan. In our judgment it is as fair a bill as can possibly be made under the circumstances and will not, at least unduly, embarrass any interest.

Mr. HAUGEN. Mr. Speaker, how much time is remaining?

The SPEAKER. Six minutes.

Mr. HAUGEN. Mr. Speaker, it is gratifying to note the fact that only two men have risen to oppose this proposition. One raises the contention that this amendment will discourage building. Why, gentlemen, if it does anything, it will encourage building and increase housing facilities in the District of Columbia.

Under the Saulsbury resolution leases were continued without increased rent. We now provide that the landlord may appeal to a commission and have a fair and reasonable rent determined by the commission. That surely is an improvement over the present state of affairs.

The conferees undertook to protect the landlord as well as the tenant. I will never be a party to the repudiation of a contract or the confiscation of property. Why, even the pirates of old had a sense of honor that led them to redeem rather than to repudiate their obligations.

Mr. HERSEY. Does the gentleman think he did a fair thing to the landlord, when the contract of rent had expired, to continue that contract for two years more?

Mr. HAUGEN. We have improved upon the rights which he now has. We have now guaranteed him a just and reasonable return for the rental of his property. He does not have

that guaranty under the Saulsbury resolution. We give him a right that he does not have at present. The law has been improved upon to that extent. True, it does not allow the landlord to turn the tenant out into the street without just cause, but it does guarantee a just and reasonable rent to him.

Mr. BEGG. Will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman from Ohio.

Mr. BEGG. The gentleman made the statement, if I understood him, that he would never sanction the repudiation of a contract.

Mr. HAUGEN. I did.

Mr. BEGG. Section 109 says that at the expiration of the contract if the tenant decides that he wants to stick on, he may do so.

Mr. HAUGEN. That is in the Saulsbury law.

Mr. BEGG. The Saulsbury law is already here.

Mr. HAUGEN. It is in effect now. Here we give protection to the landlord affected by the Saulsbury resolution.

Mr. BEGG. Yes; but after this goes into effect—

Mr. HAUGEN. We repeal the Saulsbury resolution after 60 days. As the gentleman knows, the term of the Ball bill originally was for four years, but we have cut it down to two years. That will give ample time to test the law, and for the Committee on the District of Columbia to pass another bill, if it sees fit to do so.

Mr. MONDELL. Will the gentleman from Iowa yield?

Mr. HAUGEN. Yes.

Mr. MONDELL. Has anyone called attention to the fact that the legislation now before us is the important amendment to the food-control bill which the President asked for in his most recent message, which puts teeth in section 4 of the food-control act? That important matter, so far as I have heard, has not been referred to in this discussion. One would get the impression in listening to this debate that we were simply passing a rent bill for the District of Columbia rather than a very important piece of legislation affecting the whole country, which the President and the Attorney General recommended as important in carrying out the effort to reduce the high cost of living.

Mr. HERSEY. Will the gentleman yield?

Mr. MONDELL. I have not the floor.

Mr. HAUGEN. I yield.

Mr. HERSEY. Did the President recommend the passage of this Ball rent bill?

Mr. MONDELL. Not that I now recall, and that is why I am calling attention to the fact that the legislation now before us is not primarily the Ball rent bill for the District of Columbia, but the very important and far-reaching amendment to the food-control bill recommended by the President of the United States, urged by the Attorney General, and believed by them to be of importance in the control of the high cost of living.

Mr. WALSH. Will the gentleman yield? Does not the gentleman know that the food-control conditions of this bill have become balled up with the rent proposition in the Ball bill? [Laughter.]

Mr. MONDELL. There seems to have been some balling up, and hence my remarks calling attention to the fact that this is an amendment to the food-control bill which we are discussing, and not, except in an incidental way, a rent bill.

The SPEAKER. The time for debate has expired, the previous question is ordered, the question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. WALSH and Mr. JOHNSON of Kentucky) there were 57 ayes and 15 noes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. It is clear that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 210, nays 8, answered "present" 4, not voting 207, as follows:

## YEAS—210.

Alexander	Blanton	Candler	Drane
Almon	Boies	Cannon	Dunbar
Anderson	Booher	Carter	Eagan
Andrews, Nebr.	Box	Clark, Mo.	Echols
Ashbrook	Briggs	Coady	Elliott
Ayres	Brinson	Cole	Elston
Baer	Brooks, Ill.	Connally	Esch
Bankhead	Browne	Cramton	Evans, Mont.
Barbour	Brumbaugh	Crisp	Evans, Nebr.
Barkley	Buchanan	Dale	Fairfield
Bee	Burdick	Davis, Tenn.	Ferris
Benham	Burroughs	Denison	Fess
Black	Byrnes, S. C.	Dickinson, Mo.	Fisher
Bland, Ind.	Byrns, Tenn.	Dickinson, Iowa	Fordney
Bland, Mo.	Campbell, Kans.	Dominick	Frear
Bland, Va.	Campbell, Pa.	Dowell	French



Gard	Kinkaid	Oldfield	Steagall
Glynn	Kraus	Oliver	Stedman
Goodwin, Ark.	Lampert	Overstreet	Stevenson
Graham, Ill.	Lanham	Padgett	Stiness
Green, Iowa	Lankford	Parrish	Strong, Kans.
Greene, Mass.	Lazaro	Phelan	Summers, Wash.
Greene, Vt.	Lea, Calif.	Quin	Sumners, Tex.
Hadley	Lebbach	Rainey, J. W.	Sweet
Hamilton	Loneragan	Raker	Temple
Hardy, Colo.	Lufkin	Ramsey	Thomas
Hardy, Tex.	McDuffie	Ramseyer	Thompson
Haskell	McGlennon	Randall, Calif.	Tillman
Hastings	McKeown	Reed, W. Va.	Tilson
Haugen	McKiniry	Ricketts	Timberlake
Hawley	McLaughlin, Mich.	Riddick	Tincher
Hayden	MacCrate	Robinson, N. C.	Treadway
Hays	MacGregor	Rodenberg	Venable
Hernandez	Madden	Rogers	Vestal
Hickey	Mapes	Romjue	Vinson
Hill	Martin	Rose	Volstead
Hoch	Mays	Rouse	Wason
Huddleston	Mead	Rubey	Watkins
Hudspeth	Michener	Sabath	Watson, Va.
Hull, Tenn.	Miller	Sanders, Ind.	Weaver
Igoe	Minahan, N. J.	Sanders, La.	Webster
Jacoway	Mouahan, Wis.	Schall	Welling
James	Mondell	Sears	Welty
Johnson, Ky.	Moore, Va.	Sherwood	Whaley
Johnson, Miss.	Morgan	Shreve	White, Kans.
Johnson, S. Dak.	Mott	Sims	White, Me.
Jones, Tex.	Nelson, Mo.	Sinclair	Wingo
Kahn	Newton, Minn.	Sinnot	Winslow
Kearns	Newton, Mo.	Small	Woods, Va.
Keller	Nicholls, S. C.	Smith, Idaho	Young, N. Dak.
Kelly, Pa.	Nichols, Mich.	Smith, Mich.	Young, Tex.
Kincheloe	Nolan	Smithwick	
King	O'Connor	Snell	

## NAYS—8.

Begg	Evans, Nev.	Hersey	McFadden
Dent	Gould	Humphreys	Walsh

## ANSWERED "PRESENT"—4.

Butler	Flood	Garner	Garrett
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## NOT VOTING—207.

Ackerman	Fields	Lee, Ga.	Reber
Andrews, Md.	Fitzgerald	Lesper	Reed, N. Y.
Anthony	Focht	Linthicum	Rhodes
Aswell	Foster	Little	Riordan
Babka	Freeman	Longworth	Robison, Ky.
Bacharach	Fuller, Ill.	Luce	Rowan
Bell	Fuller, Mass.	Lubring	Rowe
Benson	Gallagher	McAndrews	Rucker
Blackmon	Gallivan	McArthur	Sanders, N. Y.
Bowers	Gandy	McClintic	Sanford
Brand	Ganly	McCulloch	Saunders, Va.
Britten	Garland	McKenzie	Scott
Brooks, Pa.	Godwin, N. C.	McKinley	Scully
Browning	Goldfogle	McLane	Sells
Burke	Good	McLaughlin, Nebr.	Siegel
Caldwell	Goodall	McPherson	Sisson
Cantrill	Goodykoontz	Magee	Slemp
Caraway	Graham, Pa.	Maier	Smith, Ill.
Carew	Griest	Major	Smith, N. Y.
Carss	Griffin	Mann	Snyder
Casey	Hamill	Mansfield	Steele
Chindblom	Harrison	Mason	Steenerson
Christopherson	Hefflin	Merritt	Stephens, Miss.
Clark, Fla.	Hersman	Montague	Stephens, Ohio.
Classon	Hicks	Moon	Strong, Pa.
Cleary	Holland	Mooney	Sullivan
Collier	Houghton	Moore, Ohio	Swope
Cooper	Howard	Moore, Pa.	Taylor, Ark.
Copley	Hulings	Moore, Ind.	Taylor, Colo.
Costello	Hull, Iowa	Morin	Taylor, Tenn.
Crago	Husted	Mudd	Tinkham
Crowther	Hutchinson	Murphy	Towner
Cullen	Ireland	Neely	Upshaw
Currie, Mich.	Jeffers	Nelson, Wis.	Valle
Curry, Calif.	Johnson, Wash.	O'Connell	Vare
Dallinger	Johnson, N. Y.	Ogden	Volgt
Darrow	Jones, Pa.	Olney	Walters
Davey	Jaul	Osborne	Ward
Davis, Minn.	Kelley, Mich.	Paige	Watson, Pa.
Dempsey	Kendall	Park	Webb
Dewalt	Kennedy, Iowa	Parker	Wheeler
Donovan	Kennedy, R. I.	Pell	Williams
Dooling	Kettner	Peters	Wilson, Ill.
Deremus	Kiess	Platt	Wilson, La.
Doughton	Kitchin	Porter	Wilson, Pa.
Dunn	Klecza	Pou	Wise
Dupré	Knutson	Purnell	Wood, Ind.
Dyer	Kreider	Rodcliffe	Woodward
Eagle	LaGuardia	Rainey, H. T.	Wright
Edmonds	Langley	Randall, Wis.	Yates
Ellsworth	Larsen	Rayburn	Zihlman
Emerson	Layton	Reavis	

So the conference report was agreed to.

The Clerk announced the following additional pairs:  
Until further notice:

Mr. KNUTSON with Mr. BELL.  
Mr. LANGLEY with Mr. FIELDS.  
Mr. STEPHENS of Ohio with Mr. BRAND.  
Mr. MCPHERSON with Mr. MAJOR.  
Mr. MCARTHUR with Mr. SISSON.  
Mr. BOWERS with Mr. NEELY.  
Mr. LONGWORTH with Mr. GARNER.  
Mr. BUTLER with Mr. STEELE.

Mr. KLECZKA with Mr. McANDREWS.  
Mr. REAVIS with Mr. BABKA.  
Mr. REBER with Mr. ASWELL.  
Mr. FOSTER with Mr. POU.  
Mr. FULLER of Illinois with Mr. PELL.  
Mr. GRIEST with Mr. LEE of Georgia.  
Mr. PETERS with Mr. CANTRILL.  
Mr. FOCHT with Mr. HENRY T. RAINY.  
Mr. TINKHAM with Mr. MONTAGUE.  
Mr. TOWNER with Mr. MANSFIELD.  
Mr. VARE with Mr. McLANE.  
Mr. GOODYKOONTZ with Mr. LINTHICUM.  
Mr. DAVIS of Minnesota with Mr. SAUNDERS of Virginia.  
Mr. HULL of Iowa with Mr. KETTNER.  
Mr. WATSON of Pennsylvania with Mr. GALLIVAN.  
Mr. VOIGT with Mr. GODWIN of North Carolina.  
Mr. HUSTED with Mr. JOHNSTON of New York.  
Mr. CROWTHER with Mr. SULLIVAN.  
Mr. HUTCHINSON with Mr. HOWARD.  
Mr. KENDALL with Mr. HERSMAN.  
Mr. ACKERMAN with Mr. WRIGHT.  
Mr. RADCLIFFE with Mr. BENSON.  
Mr. MOORE of Ohio with Mr. CULLEN.  
Mr. MOORE of Pennsylvania with Mr. COLLIER.  
Mr. MORIN with Mr. CLEARY.  
Mr. MUDD with Mr. CLARK of Florida.  
Mr. NELSON of Wisconsin with Mr. CASEY.  
Mr. KREIDER with Mr. HAMILL.  
Mr. DUNN with Mr. ROWAN.  
Mr. DYER with Mr. RIORDAN.  
Mr. CURRY of California with Mr. STEPHENS of Mississippi.  
Mr. DALLINGER with Mr. SMITH of New York.  
Mr. KENNEDY of Rhode Island with Mr. HEFLIN.  
Mr. KIESS with Mr. HARRISON.  
Mr. OGDEN with Mr. CARSS.  
Mr. OSBORNE with Mr. CAREW.  
Mr. PAIGE with Mr. CARAWAY.  
Mr. WHEELER with Mr. GALLAGHER.  
Mr. WILLIAMS with Mr. FITZGERALD.  
Mr. ZIHLMAN with Mr. DOREMUS.  
Mr. ANTHONY with Mr. WISE.  
Mr. BROOKS of Pennsylvania with Mr. WILSON of Pennsylvania.  
Mr. LAYTON with Mr. GRIFFIN.  
Mr. LUHRING with Mr. GOLDFOGLE.  
Mr. RHODES with Mr. DONOVAN.  
Mr. DARRROW with Mr. SCULLY.  
Mr. McLAUGHLIN of Nebraska with Mr. DEWALT.  
Mr. PORTER with Mr. CALDWELL.  
Mr. WALTERS with Mr. GANLY.  
Mr. WARD with Mr. GANDY.  
Mr. MAGEE with Mr. DAVEY.  
Mr. PURNELL with Mr. BLACKMON.  
Mr. ROWE with Mr. OLNEY.  
Mr. SCOTT with Mr. O'CONNELL.  
Mr. STRONG of Pennsylvania with Mr. MOON.  
Mr. BROWNING with Mr. WILSON of Louisiana.  
Mr. WILSON of Illinois with Mr. EAGLE.  
Mr. WOOD of Indiana with Mr. DUPRE.  
Mr. BURKE with Mr. WEBB.  
Mr. CHINDBLUM with Mr. UPSHAW.  
Mr. WOODYARD with Mr. DOUGHTON.  
Mr. FULLER of Massachusetts with Mr. PARK.  
Mr. COSTELLO with Mr. TAYLOR of Colorado.  
Mr. GOODALL with Mr. MCCLINTIC.  
Mr. CRAGO with Mr. TAYLOR of Arkansas.  
Mr. EDMONDS with Mr. RAYBURN.  
Mr. HOUGHTON with Mr. LARSEN.  
Mr. HULINGS with Mr. KITCHIN.  
Mr. GRAHAM of Pennsylvania with Mr. LESHER.  
The result of the vote was announced as above recorded.

## ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Monday, October 13, 1919, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of Hawaii, transmitting copy of the journal of the senate of Hawaii (H. Doc. No. 263); to the Committee on Territories and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOOD, from the Special Committee on Budget, to which was referred the resolution (H. Res. 324) to provide changes in the rules of the House in connection with the establishment of a national budget, reported the same with amendment, accompanied by a report (No. 373), which said resolution and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (S. 2867) authorizing the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general, reported the same without amendment, accompanied by a report (No. 374), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 9878) granting additional pay to the enlisted personnel of the Army, Navy, and Marine Corps; to the Committee on Ways and Means.

By Mr. MOTT: A bill (H. R. 9879) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, as amended; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 9880) granting recognition to certain female employees of the War Department who served abroad; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 9881) changing the time of day in March and October of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 9882) to further provide for the presidential succession; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. GODWIN of North Carolina: Joint resolution (H. J. Res. 228) authorizing the establishment of a free port at Wilmington, N. C.; to the Committee on Ways and Means.

By Mr. JOHN W. RAINEY: Joint resolution (H. J. Res. 229) requesting the President of the United States to proclaim demobilization of the Army; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) authorizing and directing the Secretary of Agriculture to prepare and issue a supplemental report on the condition of the cotton crop; to the Committee on Agriculture.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 231) providing for the loan of Army tents, tarpaulins, and other means of protection to certain States of the Union; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills, and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 9883) granting a pension to James Phelps; to the Committee on Pensions.

Also, a bill (H. R. 9884) granting a pension to Henry Blankenship; to the Committee on Pensions.

Also, a bill (H. R. 9885) granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 9886) granting a pension to John B. Lang; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9887) granting a pension to George J. Molloy; to the Committee on Pensions.

By Mr. GANLY: A bill (H. R. 9888) for the relief of Mary Ginsberg and Abram Ginsberg; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 9889) granting an increase of pension to Julia A. Birge; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS: A bill (H. R. 9890) to reimburse Hugh J. McKane for property destroyed by fire in the District of Columbia; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9891) granting an increase of pension to Tillie Wester; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 9892) granting an increase of pension to Minnie Nordyke; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9893) granting an increase of pension to Hester A. Phillips; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9894) granting an increase of pension to Walter J. Shelley; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 9895) to correct the military record of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. MOON: A bill (H. R. 9896) to remove the charge of desertion from the military record of A. K. Ball; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 9897) granting a pension to Mirtie Hudson; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 9898) granting a pension to Hodges W. Drayton, alias Lawrence G. Sommers; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLAND of Missouri: Petition of the American Legion of Kansas City, relating to the unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. ELLIOTT: Petition of the American War Mothers, in national convention assembled in Washington, D. C., favoring the return to this country of all the American dead; to the Committee on Military Affairs.

By Mr. MCGLENNON: Petition of Patrick J. Long and others, of New Jersey, protesting against the ratification of the proposed league of nations; to the Committee on Foreign Affairs.

By Mr. MOON: Papers to accompany bill to remove desertion charge from record of A. K. Ball; to the Committee on Military Affairs.

By Mr. RAKER: Letter from the Engineer and Architects' Association of Los Angeles, Calif., inclosing copies of two resolutions relative to the General Staff bill for reorganization of the Army and an all-American canal in Imperial County, Calif.; to the Committee on Military Affairs.

Also, petition of John R. Lyle & Co., of Susanville, Calif., protesting against the passage of the Siegel bill (H. R. 8115); to the Committee on the Judiciary.

Also, letter from the California Metal Producers' Association of California, San Francisco, Calif., protesting against Senate bill 2896, known as the revenue explosive act of 1919; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Petition of Messrs. S. M. Levinstein, J. H. Fisher, J. H. Asper, and 30 other merchants of Buckhannon, W. Va., protesting against the provisions of the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: Petition of John R. White and 91 other voters and taxpayers of Waitsburg, Walla Walla County, Wash., favoring the enactment into law of Senate bill 1017, known as the Smith educational bill; to the Committee on Education.

## SENATE.

MONDAY, October 13, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy gracious favor. Thou dost hold the nations in the hollow of Thy hand. Thou art our king. Thou art our father. We look to Thee for Thy command. We look to Thee for Thy gracious voice calling us to the larger fields of life and service. Fit us to-day for the responsibilities that are upon us. Grant us Thy gracious favor. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. JONES of Washington. I rather think the Journal should be read.

Mr. SMOOT. I have no objection if any Senator wants to have it read.